

JOURNAL
OF THE
House of Representatives
OF THE
STATE OF ALABAMA
FIRST EXTRAORDINARY
SESSION OF 1988

HELD IN THE CITY OF MONTGOMERY, ALABAMA
COMMENCING TUESDAY, AUGUST 30, 1988



Vol. 1

WITH AN INDEX PREPARED BY THE
CLERK OF THE HOUSE

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**JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
FIRST EXTRAORDINARY SESSION
OF 1988**

FIRST DAY

House of Representatives
Montgomery, Alabama
Tuesday, August 30, 1988

Be it remembered that on the thirtieth day of August, 1988, His Excellency, Guy Hunt, Governor of the State of Alabama, issued his proclamation convening the Legislature in extra session in words and figures as follows, to-wit:

**STATE OF ALABAMA
PROCLAMATION
BY THE GOVERNOR**

WHEREAS, there exists an extraordinary occasion in the State of Alabama, which demands the convening of the Legislature of Alabama, in extraordinary session, as prescribed by Article V, Section 122 of the Constitution of Alabama of 1901.

NOW, THEREFORE, I, Guy Hunt as Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama shall convene in extraordinary session at the seat of government, Alabama State House, in Montgomery, Alabama at 5 o'clock p.m., on August 30, 1988, and do hereby designate the following subjects and matters, which I, as Governor, deem necessary to be considered and acted upon by said Legislature, in extraordinary session assembled:

1. Legislation to make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1989.
2. Legislation to make appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1989.
3. Legislation to provide an appropriation for the Sickie Cell Education Program for the fiscal year ending September 30, 1989.
4. Legislation to provide an appropriation for the Coosa-Alabama River Improvement Association for the fiscal year ending September 30, 1989.
5. Legislation to provide an appropriation for the Sylacauga Nurses Training School for the fiscal year ending September 30, 1989.

6. Legislation to provide an appropriation for the Children's and Women's Hospital for the fiscal year ending September 30, 1989.

7. Legislation to provide an appropriation for Marion Military Institute for the fiscal year ending September 30, 1989.

8. Legislation to provide an appropriation for Talladega College for the fiscal year ending September 30, 1989.

9. Legislation to provide appropriations for Tuskegee University for the fiscal year ending September 30, 1989.

10. Legislation to provide an appropriation for Walker County Junior College for the fiscal year ending September 30, 1989.

11. Legislation to provide an appropriation for the Alabama Shakespeare Festival for the fiscal year ending September 30, 1989.

12. Legislation to provide an appropriation for Lyman Ward Military Academy for the fiscal year ending September 30, 1989.

13. Legislation to provide an appropriation for the Southern Research Institute for the fiscal year ending September 30, 1989.

14. Legislation to provide an appropriation for the Alabama Public Library Service for the fiscal year ending September 30, 1989.

15. Legislation to provide an appropriation for the Mental Health School District for the fiscal year ending September 30, 1989.

16. Legislation to provide an appropriation for the Alabama State Council on the Arts for the fiscal year ending September 30, 1989.

17. Legislation to provide an appropriation for Special Schools for the year ending September 30, 1989.

18. Legislation to provide an appropriation for the Governor's School for the year ending September 30, 1989.

19. Legislation to provide for the levy of a tax and the collection and disposition of funds produced thereby on pari-mutuel betting or activities relating thereto, including but not necessarily limited to a ten percent tax on the pari-mutuel pool at racing facilities in the state, and/or privilege or license taxes relating to the same facilities, and, admission and breakage taxes relating to same, pledging and appropriating the funds received for payment of the principal, premium, if any, and interest on all bonds issued by the Alabama Mental Health Finance Authority as authorized by Act 88-475 to the extent necessary.

20. Legislation to amend Sections 40-23-2(4), 40-23-61, 40-23-101 and 40-23-102, Code of Alabama, 1975, which levy sales and use taxes, so as to increase the levy and amend Sections 40-23-35 and 40-23-108 to distribute additional funds generated to the state general fund.

21. Legislation to provide revenue by levying an excise tax on the unlawful sale, distribution, transfer, import, transport, possession, or other use of certain drugs or controlled substances.

22. Legislation to provide for the levy of additional revenues and the collection, disposition, and dedication of funds produced thereby to include but not necessarily be limited to pari-mutuel betting, reduction of exemptions

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or differences in rates on sales and use taxes, excise tax on unlawful sales or possession of certain drugs, and to set increased or new fees, charges, and assessments for services provided. Said additional revenues shall provide adequate funding for the general appropriation bill and other appropriations from the state general fund.

23. Legislation to authorize the State Board of Health to designate the services rendered by the state and county health departments for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because that person is indigent.

24. Legislation to amend Sections 9-11-44 and 9-11-53, Code of Alabama, 1975, which provide for game and fish hunting and fishing licenses, so as to increase the license fees, delete an exemption relating to fishing by certain county residents, increase the penalties for violations, and authorize the issuance of licenses on a combination basis.

25. Legislation to authorize compensation increases for employees of the State of Alabama.

26. Legislation to authorize compensation increases for teachers and other educational personnel.

27. Legislation to establish the Education Standards and Accountability Act of 1988.

28. Legislation to provide a procedure for allocation of the "State Ceiling" imposed upon tax-exempt bonds under the provisions of the Internal Revenue Code of 1986, as amended.

29. Legislation to provide for the establishment and operation of the Mental Health School District.

30. Legislation to levy an additional fee on operators of commercial sites for the disposal of hazardous waste received at such commercial sites, including but not limited to an additional fee of \$10.00 per ton, and to provide that said fee be deposited in the state general fund.

31. Legislation to enact the "Alabama Hazardous Substance Cleanup Fund Act of 1988".

32. Legislation that imposes a ban on the development of new commercial hazardous waste treatment or disposal facilities in the State, and a limitation on the volume of hazardous waste which may be deposited at commercial hazardous waste treatment or disposal facilities now located within the state.

33. Legislation that imposes a 24 month moratorium on the construction of new sanitary landfill disposal facilities for solid wastes.

34. Legislation that provides that county commissions and municipalities be given the authority to adopt rules and regulations requiring mandatory public participation in solid waste collection and disposal programs, and penalties for violations of said county or municipal regulations.

35. Legislation to create and provide for the incorporation, organization and operation of the Alabama Water System Assistance Authority.

36. Legislation to enact the "Alabama Drug Trafficking Enterprise Act".

37. Legislation to provide an additional criminal penalty for possessing a firearm during the commission of a criminal offense involving trafficking in illegal drugs.

38. Legislation relating to the Unemployment Compensation Act effective for weeks within benefit years beginning on and after January 1, 1989, so as to increase maximum weekly unemployment benefits to \$145, and to compute such weekly benefits on the average of the covered wages paid to an individual during the two quarters of his base period in which such wages were highest.

39. Legislation to provide the funding for the enhancement of the employment security programs administered by the Department of Industrial Relations, to make an assessment of 0.06% against the wages paid by certain employers beginning with wages paid on and after January 1, 1989, to reduce the rates of unemployment compensation contributions by the same percentages, and to create a special fund in the state treasury into which said assessments are to be deposited, and to appropriate and authorize the disbursement and expenditures of such revenues.

40. Legislation to propose amendments to the Constitution of Alabama of 1901, to limit consideration of matters other than budgets, appropriations, and revenue bills during certain legislative days of each regular session beginning with the first regular session held after January 1, 1989.

41. Legislation to provide for the establishment of a central voter registration list, maintained by and in the Office of the Secretary of State of Alabama, including, but not limited to information containing the name, address, and place of voting of all citizens registered to vote in the State of Alabama, to require registrars of each county to comply with requests of the Secretary of State for information necessary to insure the accuracy of such list, and to provide penalties for providing false information to the Secretary of State or the County Registrars.

42. Local Legislation.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused this Proclamation to be attested by the Secretary of State at the State House, in the City of Montgomery, on this the 30th day of August, 1988.

GUY HUNT,
Governor.

ATTEST:

GLEN BROWDER,
Secretary of State.

PRAYER

The session was opened with prayer by Reverend Al Millergren, Pastor Dalraida Church of Christ, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Sarah Griffin.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE),

Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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A quorum was present.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Campbell:

H. R. 1. NOTIFY SENATE.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House notify the Senate that the House is now in session and is ready for the transaction of public business.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. R. 1, was adopted.

Also:

By Rep. Campbell:

H. J. R. 2. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF LEGISLATURE.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate to be held at 6:30 P.M. on August 30, 1988 for the purpose of hearing the message of the Honorable Guy Hunt, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

And the Speaker appointed as a committee on the part of the House, Reps. White (G), Petelos, and Gaston.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. J. R. 2, was adopted.

Also:

By Rep. Campbell:

H. R. 3. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, August 30, 1988, we adjourn to meet again on Wednesday, August 31, 1988, at 6:00 P.M.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. R. 3, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

I have been directed by the Senate to advise the House that the Senate is now in session and is ready for the transaction of public business.

McDOWELL LEE,
Secretary.

Also:

By Rep. White (F):

H. J. R. 4. CONGRATULATING MR. AND MRS. THEODORE S. OWENS ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, August 10, 1988, of Mr. and Mrs. Theodore S. Owens of Escambia County, Alabama; and

WHEREAS, in the sight of God, Theodore Sylvester Owens and Verta Hugh Timothy were joined in wedlock on August 10, 1938, in Pensacola, Florida, and these two fine people, forsaking all others, have remained in said holy state for the past 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows, setting an example to be emulated by all others who, in marriage, pledge themselves to one another until parted by death; and

WHEREAS, Mr. Owens, a native of Honoraville, Crenshaw County, Alabama, and Mrs. Owens, who was born in Uriah in Monroe County, have lived in the vicinity of Atmore throughout their marriage, and are the parents of a son, Douglas Timothy, and his wife, Faye; son, Roger Wayne, and his wife, Sandra; and the grandparents of Pam, Terry and Connie Owens, Debbie Owens Bennett and Sharilyn Owens Granade; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Escambia County, Alabama, Mr. and Mrs. Theodore S. Owens, and wish them many more happy years together in their union so richly blessed by God.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. and Mrs. Owens that they may know of our congratulations and warm best wishes for the future.

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On motion of Rep. White (F), the rules were suspended and the resolution, H. J. R. 4, was adopted.

Also:

By Rep. White (F):

H. J. R. 5. COMMENDING MARTHA KIRKLAND OF BREWTON, ALABAMA, UPON HER RETIREMENT AS JUDGE OF PROBATE OF ESCAMBIA COUNTY.

WHEREAS, Martha Kirkland of Brewton, Alabama, who is retiring in January 1989, as Judge of Probate, Escambia County, has served with distinction in said capacity since her appointment to the bench in 1969; she then won election in 1970 for a full six-year term and was subsequently reelected in 1976, unopposed, and again in 1982; and

WHEREAS, a native of Gordo in Pickens County, Judge Kirkland is a graduate of Greensboro High School and of Alabama College, Montevallo, with the B.S. degree; she is a former Home Agent with the Extension Service in Escambia and Wilcox Counties; and

WHEREAS, Judge Kirkland also served as Deputy Clerk of the Circuit Court for her late husband, Reo Kirkland, while he served in the military during World War II, and served in Mr. Kirkland's stead as Chief Clerk in the Probate Office from 1957 until his death in October 1969; and

WHEREAS, in addition to the duties and many responsibilities of her office, Judge Kirkland also assumed professional leadership as former secretary, treasurer, vice president and president of the Alabama Probate Judges Association; she further is a member and active in leadership in a number of organizations including the American Legion Auxiliary, Patrons for Partlow, the First Methodist Church of Brewton, Chamber of Commerce, Escambia County Mental Health, Board of Directors of Southwest Alabama Mental Health Association, Advisory Council of R.S.V.P. in Escambia County and the Board of Trustees of the University of Montevallo, among numerous others; and

WHEREAS, additionally, Judge Kirkland has been recognized for outstanding achievement through designation as Woman of the Year in Community Service, honorary membership in Delta Kappa Gamma, and as the University of Montevallo 1976 Alumna of the Year; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Judge Martha Kirkland of Brewton, Alabama, for outstanding achievement and community service, and do further direct that she receive a copy of this resolution of sincere praise and warmest personal regard.

On motion of Rep. White (F), the rules were suspended and the resolution, H. J. R. 5, was adopted.

Also:

By Rep. White (F):

H. J. R. 6. REPEALING ACT NO. 145, HJR 105, 1975 REGULAR SESSION, WHICH PETITIONED THE CONGRESS OF THE UNITED STATES TO CONVENE A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION WHICH WOULD PROHIBIT DEFICIT SPENDING BY

THE U. S. GOVERNMENT, EXCEPT IN TIMES OF NATIONAL EMERGENCY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 145, HJR 105, 1975 Regular Session, is hereby repealed.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent forthwith to each member of the Alabama delegation in the United States Congress and the Clerk of the United States House of Representatives and the Secretary of the United States Senate.

On motion of Rep. White (F), the rules were suspended and the resolution, H. J. R. 6, was adopted.

Also:

By Rep. Layson:

H. J. R. 7. COMMENDING JOHN D. LAMMERS FOR DISTINGUISHED SERVICE TO BOY SCOUTS OF AMERICA.

WHEREAS, for twenty-three years, John D. Lammers of Carrollton, Alabama, has dedicated himself in service to Boy Scouts of America and its purposes of character development, citizenship, training and physical fitness in boys; and

WHEREAS, Mr. Lammers, who has served in five local councils and is scoutmaster of Carrollton's Troop 18, is eminently qualified for leadership, having completed all local and national training courses for scoutmasters, including requirements for Wood Badge Beads, denoting mastery of the highest level of training for scoutmasters; and

WHEREAS, we further note that he is the recipient of such high recognitions as the Training Excellence Award, the District Award of Merit, the Silver Beaver Award and the God and Service Award, all of which corroborate the distinction of his leadership; and

WHEREAS, Scoutmaster John Lammers is indeed exemplary in the depth of his dedication to Boy Scouts of America, most particularly to Troop 18 whose members, under his guidance and counsel, embody the highest ideals of scouting; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend John D. Lammers for distinguished service to Boy Scouts of America, and do further direct that he receive a copy of this resolution of sincere admiration and regard.

On motion of Rep. Layson, the rules were suspended and the resolution, H. J. R. 7, was adopted.

Also:

By Rep. Layson:

H. J. R. 8. COMMENDING THE PILOT CLUB OF NORTHPORT ON ITS "SUCCESS THROUGH SERVICE" AND CONTRIBUTIONS TO THE NORTHPORT COMMUNITY.

WHEREAS, Pilot Club International, founded in 1921, is a civic service organization for executive, business and professional women who, having

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highly achieved as individuals, have strengthened their impact upon the community through unity of purpose and service; and

WHEREAS, the Pilot Club of Northport, Alabama, one of Pilot Club International's most outstanding chapters, has undertaken on an on-going basis a number of service and community improvement programs, including the recent reinstitution of the Avenue-of-Flags project which was dedicated in appropriate ceremonies on June 30, 1988; and

WHEREAS, a vital force in the community, the Pilot Club of Northport is indeed to be praised for the accomplishments of their membership, in united cause, to the betterment of the community, and for selfless service that is undertaken in good cheer and with compassion, care and concern for others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions to the community and all citizens thereof, we hereby most highly commend the Pilot Club of Northport, Alabama, and do further direct that a copy of this resolution be forwarded to President Odelle Dyer on behalf of the entire membership.

On motion of Rep. Layson, the rules were suspended and the resolution, H. J. R. 8, was adopted.

Also:

By Rep. Layson:

H. J. R. 9. CONGRATULATING THE PICKENS ACADEMY PIRATES ON THEIR OUTSTANDING 1988 BASEBALL SEASON AND FIRST PLACE RANKING IN APSA COMPETITION.

WHEREAS, the Pickens Academy Pirates, under Coach Bobby Samford, posted an outstanding 20-7 overall season record, and were ranked number-one in the Alabama Private School Association's State 2A Baseball Play-offs; and

WHEREAS, on the road to victory, the Pirates downed Grove Hill Academy to earn a berth in the finals, and beat Wilcox Academy by a score of 7-1 to claim the glory and the crown for Pickens County Academy; and

WHEREAS, to be commended as winners of the State Title and for their outstanding team effort and will-to-win spirit are Hal McGee, Bill Rickman, Jason Noland, Steven Carroll, Scotty Sullivan, Jason Eatman, Jay Parker, Lee Drain, Terry Pearson, Neal Holliman, Jamie McDanal, Johnny Sullivan and Barrett Noland, each of whom greatly contributed to the Pirate's Championship season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Coach Bobby Samford and his Pickens Academy Pirates and direct that copies of this resolution be provided for appropriate presentation and school display.

On motion of Rep. Layson, the rules were suspended and the resolution, H. J. R. 9, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Layson:

H. R. 10. COMMENDING JAMES A. CLARK FOR DISTINGUISHED SERVICE TO PICKENS COUNTY.

Also:

By Rep. Layson:

H. R. 11. COMMENDING CLEOVIS KYLES FOR DISTINGUISHED SERVICE TO PICKENS COUNTY.

Also:

By Rep. Layson:

H. R. 12. COMMENDING JESSIE OLIVER WHITE FOR DISTINGUISHED SERVICE TO PICKENS COUNTY.

Also:

By Rep. Richardson:

H. R. 13. COMMENDING FORMER STATE REPRESENTATIVE RODNEY GENTLE FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

By Rep. Richardson:

H. R. 14. COMMENDING FORMER STATE REPRESENTATIVE LEROY GIST FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

By Rep. Richardson:

H. R. 15. COMMENDING FORMER STATE REPRESENTATIVE BERNARD CABINISS FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

By Rep. Richardson:

H. R. 16. COMMENDING FORMER STATE REPRESENTATIVE LOY CAMPBELL FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

By Rep. Richardson:

H. R. 17. COMMENDING FORMER STATE REPRESENTATIVE BILL WILLIAMS FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

By Rep. Richardson:

H. R. 18. COMMENDING FORMER STATE REPRESENTATIVE BETHEL D. STARKEY FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

By Rep. Richardson:

H. R. 19. COMMENDING FORMER STATE REPRESENTATIVE CECIL SHAVERS FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

The following resolutions were introduced:

By Rep. Richardson:

H. J. R. 20. COMMENDING THE SCOTTSBORO CITY SCHOOLS AND STAFF ON THE ESTABLISHMENT AND OPERATION OF AN EXEMPLARY INDIAN EDUCATION PROGRAM.

WHEREAS, one of the goals of the Scottsboro City Schools' Indian Education Program is to develop historically accurate curriculum in the area of cultural heritage and authentic native American arts and crafts; and

WHEREAS, one of the roles of this program is to instill a sense of pride in one's ancestral heritage, through the sequential introduction and study of this native American cultural heritage and arts and crafts; and

WHEREAS, one of the goals of the Scottsboro City Schools' Indian Education Program is to utilize the whole language approach in developing all learning skills; and

WHEREAS, it is the goal of this program to develop an understanding and appreciation for the Cherokee language, both written and spoken; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Scottsboro City Schools' Indian Education Program; Dr. John Balentine, Superintendent of the Scottsboro City Schools; Mrs. Carolyn Thomas, Director of Federal Programs; Mrs. Carla Kimball, cultural heritage teacher; and Mrs. Sue DeWitt, arts and crafts teacher, for establishing and conducting an exemplary native American educational program.

BE IT FURTHER RESOLVED, That a copy of this resolution be prepared for presentation to Dr. Balentine on behalf of the Scottsboro City Schools and staff.

On motion of Rep. Richardson, the rules were suspended and the resolution, H. J. R. 20, was adopted.

Also:

By Rep. Richardson:

H. J. R. 21. COMMENDING JOHN CLINTON HARRIS OF SCOTTSBORO, ALABAMA, FOR DISTINGUISHED SERVICE TO CIVITAN INTERNATIONAL.

WHEREAS, the Legislature of Alabama notes with commendation and esteem the recent recognition accorded John Clinton Harris of Scottsboro, Alabama, as one of only 12 individuals, nationwide, to have attained 50 years of service to Civitan; and

WHEREAS, Mr. Harris, however, has actually given more than 55 years in dedication to the programs and ideals of Civitan, having joined the organization in 1933; and

WHEREAS, among the many club projects in which Mr. Harris has participated are the establishment of a cheese plant in 1939 and the rubber salvage program for the war effort in 1942; and

WHEREAS, he also was active in the club's drive resulting in the sale of 50% of the county's war bonds; in the establishment of the Boy Scout camp; and fund raising efforts to purchase buses for the local schools; and

WHEREAS, Mr. Harris, as a former club president, initiated several projects, including the fruitcake sale, that are still included among Civitan activities; he also was instrumental, during his presidency, in the construction of the Civitan pavilion in Jackson County Park, and is credited with securing a \$25,000 grant from Civitan International for Valley Industries; and

WHEREAS, also a former city councilman, Mr. Harris has indeed greatly contributed to the progress and well-being of the community, and his efforts through Civitan involvement have been of inordinate benefit to the City of Scottsboro and all citizens thereof; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend John Clinton Harris of Scottsboro, Alabama, for outstanding service to Civitan and the community, and do further direct that he receive a copy of this resolution of sincere praise and esteem.

On motion of Rep. Richardson, the rules were suspended and the resolution, H. J. R. 21, was adopted.

Also:

By Rep. Richardson:

H. J. R. 22. MOURNING THE DEATH OF OAKLEY SHARP OF JACKSON COUNTY, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Oakley "Red" Sharp of Jackson County, Alabama, on May 30, 1988, at the age of 69 years; and

WHEREAS, a lifelong resident of Jackson County, Mr. Sharp was widely known throughout the community and state as one of our most colorful citizens and an individualist of legendary nonconformity; and

WHEREAS, Mr. Sharp, who was first employed with a farm and mule operation in Hollywood, worked for the WPA during the Depression years and in Tullahoma and Oak Ridge, Tennessee, during World War II; in 1952, he established his first business, Red Sharp Sand and Gravel, which was to become highly successful and was later operated under the name of Red Sharp, Inc.; and

WHEREAS, Red Sharp also is credited with numerous Jackson County "firsts" including the county's first race car, cutting horse, dump truck and

ready-mix plant, as well as the first water wheel which he shared with the community; and

WHEREAS, he further is well-known and remembered as the owner of the county's first zebra which was shown in many parades, as was the open wooden wagon made for him by his longtime friend, Probate Judge R. I. Gentry; and

WHEREAS, in accordance with a last request by Oakley "Red" Sharp, his casket was transported to his final resting place on the mule-drawn wagon that was driven by his friend, Judge Gentry, and a brother-in-law, Mr. Chuck Anderson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Oakley Sharp of Jackson County, Alabama; we further mourn the passing of a legend and the loss of a truly kind, generous and loving man.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Sharp's beloved wife, Mrs. Zelma Bellomy Sharp, that she and his sisters, Mrs. Roy Dickerson and Mrs. W. T. Skelton, and other family members may know of our shared sorrow in their great and grievous loss.

On motion of Rep. Richardson, the rules were suspended and the resolution, H. J. R. 22, was adopted.

Also:

By Rep. Richardson:

H. J. R. 23. CONGRATULATING MRS. MYRTLE WORTHEN ON THE OCCASION OF HER 101ST BIRTHDAY.

WHEREAS, the Legislature of Alabama notes with pleasure the 101st birthday on August 24th of Mrs. Myrtle Worthen of Scottsboro, Alabama, who was born on that date in 1887; and

WHEREAS, Mrs. Worthen, who was widowed at an early age, was the sole support of her young children; with great courage, however, and an abundance of faith, she reared her family alone and without the benefit of today's welfare programs and other forms of government assistance; and

WHEREAS, as a reflection of Mrs. Worthen's resourcefulness that is reminiscent of yesteryear's pioneer stock, all her children grew to become useful citizens and contributors to their communities; and

WHEREAS, Mrs. Myrtle Worthen is indeed a warm, gracious and loving lady who remains vitally interested in the lives of her family as well as her many friends and the staff at the Scottsboro Nursing Home where she now resides and is a participant in the programs of the Trinity Baptist Homebound Ministry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with her family and the community in extending best birthday wishes to Mrs. Myrtle Worthen of Scottsboro, Alabama, and do further direct that she receive a copy of this resolution of sincere admiration and regard.

On motion of Rep. Richardson, the rules were suspended and the resolution, H. J. R. 23, was adopted.

Also:

By Reps. Blake, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby:

H. J. R. 24. COMMENDING THE PELL CITY BRONCO ALL-STARS ON THEIR OUTSTANDING SEASON.

WHEREAS, the Pell City team of the Bronco Baseball League for eleven and twelve-year-old boys is an outstanding group of talented young athletes under the leadership of Manager Jimmy Howard and Coach Bob Champion, with Gary Hurst serving as team business manager; and

WHEREAS, during the 1988 season the Pell City Bronco All-Stars posted a phenomenal record that included their capture of the District Tournament Championship held in Tarrant, as well as second place in the State Tournament in Oxford; and

WHEREAS, deserving of highest praise for their contributions to the team's outstanding season are Pell City All-Stars Tommy Alley, Chad Cochran, Danny Goss, Russell Howard, Gary Hurst, Bo Mullins, Blake Nixon, Matthew Partain, Brian Ramsey, Drew Roe, Vince Smith and Kenny Thornton; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate the Pell City Bronco All-Stars as District Champions and on their second place finish in the State Tournament.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Manager Jimmy Howard, on behalf of his staff and the entire team, that they all may know of our sincere pride and pleasure in their accomplishments.

On motion of Rep. Blake, the rules were suspended and the resolution, H. J. R. 24, was adopted.

Also:

By Rep. Blake:

H. J. R. 25. COMMENDING JOYCE CLARK FOR OUTSTANDING VOLUNTEER SERVICE TO THE PELL CITY COMMUNITY.

WHEREAS, all communities depend heavily upon citizen volunteers to enrich the public good, and to enhance the way of life far beyond the limitation of available public funds; and

WHEREAS, the City of Pell City is one such community blessed by a growing legion of such volunteers; and

WHEREAS, Ms. Joyce Clark is one such volunteer whose three-year residency already has been punctuated by such deeds as to make clear that she is a rising star in volunteerism; and

WHEREAS, this native Alabamian has strayed afield to such alien lands as Texas, Arkansas and Georgia before returning and making up for lost time as a retail businesswoman, a member of the Greater Pell City Chamber of Commerce, and currently as secretary-bookkeeper for St. Clair County Head Start; and

WHEREAS, Ms. Clark, more particularly, is a member of the Chamber Board of Directors who has been active in such diverse projects as the annual Summerfest, Banquet of Champions and the Christmas Parade; and she also is a former Scout leader and the recipient of a Special Life Membership in the Woman's Society of Christian Service; and

WHEREAS, the latest distinction is in her tenacious, inspired and enthusiastic trail blazing to seek and secure a Miss Alabama Pageant franchise for a certified preliminary pageant for Pell City, and in service as Director for the pageant in its first two years under the franchise; and

WHEREAS, Ms. Clark's responsibilities in the pageant programs have involved considerable self-sponsored travel with and on behalf of the pageant winners; and

WHEREAS, she has earned the reputation of catalyst in her recruitment of other volunteers for many community causes; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby honor and recognize Ms. Joyce Clark for her many generous endeavors that have made Pell City, St. Clair County and Alabama a measurably better place to live, and do further direct that she receive a copy of this resolution of sincere admiration and esteem.

On motion of Rep. Blake, the rules were suspended and the resolution, H. J. R. 25, was adopted.

Also:

By Rep. Blake:

H. J. R. 26. COMMENDING JOYCE G. NIX FOR DISTINGUISHED SERVICE TO THE GREATER PELL CITY CHAMBER OF COMMERCE AND THE COMMUNITY.

WHEREAS, economic and life-style development, in Alabama communities both large and small, is essential to the prosperity and health of the entire state; and

WHEREAS, the community of Pell City has been enjoying such development in recent years, thanks in part to the projects and programs of the Greater Pell City Chamber of Commerce; and

WHEREAS, the Greater Pell City Chamber of Commerce has experienced growth, continuity and dynamic participation, largely through the energy and dedication of one Mrs. Joyce G. Nix, its Executive Director; and

WHEREAS, Mrs. Nix's special qualities have been a major force in nearly doubling the Chamber membership from 140 to 240, increasing attendance at Pell City Summerfest from 4,000 to 15,000, and the Chamber's

annual Banquet of Champions (a four-year-old tradition as part of the Alabama International Motor Speedway's summer racing activities) from 150 in attendance to 375; and

WHEREAS, she additionally has played a key role in the reorganization of a Welcoming Committee in Pell City; in the acquisition of substantial annual financial support from the City of Pell City; in applying for and receiving the franchise for a new Miss Alabama Preliminary (known as the Miss Logan Martin Pageant); in providing staff support for the "Save Our Lake" Committee and its project; in development, publication and distribution of new promotional brochures for Pell City; in arranging for local seminars on Shoplifting Prevention and Bad Check Detection; in establishing retail Christmas promotions as annual ventures in Pell City; and in helping organize the Pell City Industrial Improvement Association as well as the Pell City Beautification Council; and

WHEREAS, this 15-year resident of Pell City, who was raised in Birmingham, made a mark for herself within the Birmingham banking community and at Samford University as a member of its staff, and somehow found time to join husband Rufus S. Nix in raising two children, and otherwise perform faithfully and grandly her duties as a loyal citizen of the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Joyce G. Nix of Pell City, Alabama, and do further express deepest gratitude for her past and present good works in utilizing her energy and enthusiasm to bring enormous credit upon her beloved and native state.

BE IT FURTHER RESOLVED, That in token of sincere praise and warmest personal regard, a copy of this resolution shall be forwarded to Mrs. Nix.

On motion of Rep. Blake, the rules were suspended and the resolution, H. J. R. 26, was adopted.

Also:

By Rep. Black:

H. J. R. 27. CONGRATULATING MR. AND MRS. JOHN C. BELL ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden Wedding Anniversary, July 2, 1988, of Mr. and Mrs. John C. Bell of Livingston, Alabama, Boyd Community; and

WHEREAS, in the sight of God, John C. and Agatha Ross Bell were joined in wedlock on July 2, 1938, and these two fine people, forsaking all others, have remained in said holy state for the past 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows, setting an example to be emulated by all others who, in marriage, pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Bell, both of whom are retired teachers of the Sumter County School System, are beloved members of their community and were the recipients of numerous expressions of congratulations and best wishes on this momentous anniversary occasion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of the Boyd Community, Livingston, Alabama, Mr. and Mrs. John C. Bell, and wish them many more happy years together in their union so richly blessed by God.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. and Mrs. Bell that they may know of our congratulations and warm best wishes for the future.

On motion of Rep. Black, the rules were suspended and the resolution, H. J. R. 27, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Black:

H. R. 28. CONGRATULATING MR. AND MRS. JOHN C. BELL ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

The following resolution was introduced:

By Rep. Blakeney:

H. J. R. 29. CONGRATULATING THOMASVILLE HIGH SCHOOL ON THE CLASS 4A STATE BASEBALL CHAMPIONSHIP.

WHEREAS, the Alabama Legislature extends heartiest congratulations to the Thomasville High School Baseball Varsity on their 1988 Class 4A State Championship, captured with a decisive 11-3 win over the Brooks High School team from Lauderdale County; and

WHEREAS, in the best-of-three series against Brooks, Thomasville lost the first of a double header, 3-2; took the second with a score of 7-1; and, in the final match, ending 11-3 for THS, added three homers to make a total of 43 for the season and a State 4A record; and

WHEREAS, leading the Thomasville team to a sensational season and the State Crown were Head Coach Donnie Fendley and Assistant Coach Bill Ingram, with Randy Pearson and Michael Bender serving as team managers; and

WHEREAS, the Thomasville High School Champions are Chuck Anderson, Reid Cornelius, Charles Davis, Keith Davis, John Doggett, Scott Swatzell, Cedric Bates, Eric Burroughs, Felton Burroughs, Robby Colquett, Lane Draper, Craig Hodge, Greg Lewis, Jerry Morgan, Randall Sims, Jemar Austin, Dwight Figgers, Greg Hulsey, Chuck Bates and Jamie Gaddy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Thomasville High School, Thomasville, Alabama, as the 1988 Class 4A Baseball Champions, and do further direct that copies of this resolution be forwarded to Principal Ted Cornelius for appropriate presentation and school display.

On motion of Rep. Blakeney, the rules were suspended and the resolution, H. J. R. 29, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Blakeney:

H. R. 30. COMMENDING JEFF BRANSON OF SILAS, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Blakeney:

H. R. 31. CONGRATULATING MR. AND MRS. PETER BETTIS ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

The following resolutions were introduced:

By Rep. Haynes:

H. J. R. 32. COMMENDING THE TALLADEGA LITTLE LEAGUE GIRLS' SOFTBALL CHAMPIONS.

WHEREAS, the Legislature of Alabama extends heartiest congratulations to the Talladega Little League Girls' Softball Team on their outstanding 1988 season; and

WHEREAS, under Coaches Jimmy Wilkerson and Ricky Lawson, these talented eleven- and twelve-year-old lady All-Stars from Talladega captured the District, State and Sectional Championships, and were Runner-up to the Division Title; and

WHEREAS, throughout the season, the team indeed displayed the sterling attributes of dedicated athletes that are in keeping with the Little League Pledge of fair play, will to win and good sportsmanship at all times; and

WHEREAS, to be commended for their contributions to a fantastic championship season are Little Leaguers Kioka Bonner, Brooke Burlison, Carrie DeVandry, Jennifer Hurst, Nakia Kelly, Cheryl Kulk, Laquita McGhee, Lori Robinson, Leslie Rowls, Misty Sisk, Tennille Tillery, Christy Trammell, Latorle Twymon and Lorene Wallace; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Coaches Jimmy Wilkerson and Ricky Lawson and the Talladega Little League Girls' Softball Team, and do further direct that copies of this resolution be provided for presentation to these champion All-Star Little League participants.

On motion of Rep. Haynes, the rules were suspended and the resolution, H. J. R. 32, was adopted.

Also:

By Rep. Gaston:

H. J. R. 33. COMMENDING WILLIAM E. ELDER OF MOBILE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

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WHEREAS, the Legislature of Alabama extends heartiest congratulations to William E. Elder, head basketball coach and president of Mobile College Athletic Offices, as Gulf Coast Athletic Conference and NAIA District 30 Coach of the Year (1987-88) after leading the Mobile College Rams to the GCAC Championship and a berth in the NAIA National Tournament; and

WHEREAS, Dr. Elder concluded the 1987-88 basketball season with a .643 winning percentage during his 21-season career, a phenomenal record that includes 20 consecutive winning seasons compiled at Northeast State Junior College (1966-1973), the University of Montevallo (1973-1985), and at Mobile College since the 1986-87 season; and

WHEREAS, we further note that during 1987-1988, four of Mobile College's five athletic teams participated in their respective NAIA National Tournaments; and

WHEREAS, Dr. Elder, a Birmingham native and an outstanding high school athlete in Bucyrus, Ohio, received his BS degree from Samford University, the Master's degree from the University of Tennessee and a Ph.D. from the University of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement, we hereby most highly commend William E. Elder of Mobile, Alabama; we further congratulate him as both the GCAC and NAIA District 30 Coach of the Year and direct that he receive a copy of this resolution of sincere praise and esteem.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 33, was adopted.

Also:

By Rep. Gaston:

H. J. R. 34. COMMENDING SAINT IGNATIUS SCHOOL AND PRINCIPAL JAN MURRAY.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature notes the selection of Saint Ignatius School in Mobile as a recipient of the United States Department of Education Exemplary Elementary School Award; and

WHEREAS, Saint Ignatius School, one of only 289 elementary schools, nationwide, to receive this outstanding award, was selected on the basis of a clear statement of purpose and goals, comprehensive curriculum, attention to the individual needs of students, promotion, values and good discipline, a systemic program of pupil and school evaluation, and outstanding parental and community involvement; and

WHEREAS, receiving the award for Saint Ignatius at the White House in Washington, D.C. was the school principal, Miss Jan Murray, who has provided the strong leadership that is an additional criterion for recipients of this prestigious distinction; and

WHEREAS, Miss Murray, who received her B.S. and M.A. degrees at the University of South Alabama, is a former teacher of mathematics and has served since 1980 as principal of Saint Ignatius; and

WHEREAS, founded in 1952, Saint Ignatius has a student enrollment of 600 in grades pre-school through eight, and is widely recognized in Mobile

for its contributions to the community and for having outstanding parents who fully support the school's equally outstanding principal and staff; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate Saint Ignatius School, Principal Jan Murray and her staff on Saint Ignatius' designation by the United States Department of Education as an Exemplary Elementary School.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for appropriate presentation and display at Saint Ignatius School, Mobile, Alabama.

On motion of Rep. Gaston, the rules were suspended and the resolution, H. J. R. 34, was adopted.

Also:

By Reps. Grayson and Freeman:

H. J. R. 35. NAMING A PORTION OF INTERSTATE HIGHWAY 565 IN HONOR OF THE LATE DR. MARTIN LUTHER KING, JR.

WHEREAS, the City Council of the City of Huntsville, Alabama, by resolution adopted, has expressed a desire that that portion of Interstate Highway 565 within the boundaries of said municipality be named in honor of the late Dr. Martin Luther King, Jr., and in lasting memory of his service to all mankind; and

WHEREAS, the Legislature of Alabama, in concurring sentiment with the governing body of the City of Huntsville, also recognizes the enduring accomplishments of Dr. King toward a goal of improving the quality of life for all Americans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in commemoration of the life and service of a truly great citizen of Alabama and America, we hereby name and designate that portion of Interstate Highway 565 within the city limits of the City of Huntsville in Madison County, Alabama, as "The Dr. Martin Luther King, Jr., Boulevard", by which name said highway portion shall henceforth and forever be known.

BE IT FURTHER RESOLVED, That the proper officials are herein authorized to erect and maintain appropriate signs and markers so designating "The Dr. Martin Luther King, Jr., Boulevard", and that a copy of this resolution be forwarded to the City Council of the City of Huntsville, Alabama.

On motion of Rep. Grayson, the rules were suspended and the resolution, H. J. R. 35, was adopted.

Also:

By Reps. Crow, Willis and Campbell:

H. J. R. 36. COMMENDING EAGLE SCOUT GEORGE WALTER WATSON OF CALHOUN COUNTY, ALABAMA.

WHEREAS, it is with highest commendation that the Legislature of Alabama congratulates George Walter Watson of Troop 33 in Saks who has attained the rank of Eagle Scout, Boy Scouts of America; and

WHEREAS, this coveted badge was earned through countless hours of hard work, diligence and great perseverance in fulfilling the stringent requirements for Eagle Scout rank; and

WHEREAS, George Walter Watson, who is the 17-year-old son of Gloria and George Watson, has completed his Junior year at Saks High School where he is active in the Saks High basketball and golf programs; he also is an active member of Gladeview Baptist Church and, in scouting, has held numerous leadership positions including two years on the Council Summer Camp Staff; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Eagle Scout George Walter Watson, and do further direct that he receive a copy of this resolution, executed in recognition of extraordinary achievement and with warm best wishes for his every future success in life.

On motion of Rep. Crow, the rules were suspended and the resolution, H. J. R. 36, was adopted.

Also:

By Reps. Crow, Willis and Campbell:

H. J. R. 37. COMMENDING EAGLE SCOUT JEFFERY A. EDWARDS OF CALHOUN COUNTY, ALABAMA.

WHEREAS, it is with highest commendation that the Legislature of Alabama congratulates Jeffery A. Edwards of Troop 33 in Saks who has attained the rank of Eagle Scout, Boy Scouts of America; and

WHEREAS, this coveted badge was earned through countless hours of hard work, diligence and great perseverance in fulfilling the stringent requirements for Eagle Scout rank; and

WHEREAS, Jeffery Edwards, who is the 14-year-old son of Linda and Ed Edwards, has completed the eighth grade at Saks School where he is an Honor Student and active in both football and baseball; he also is an active member of the First Baptist Church of Saks; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Eagle Scout Jeffery A. Edwards, and do further direct that he receive a copy of this resolution, executed in recognition of extraordinary achievement and with warm best wishes for his every future success in life.

On motion of Rep. Crow, the rules were suspended and the resolution, H. J. R. 37, was adopted.

Also:

By Reps. Crow, Willis and Campbell:

H. J. R. 38. COMMENDING EAGLE SCOUT JOHN T. RITONDO, JR., OF CALHOUN COUNTY, ALABAMA.

WHEREAS, it is with highest commendation that the Legislature of Alabama congratulates John T. Ritondo, Jr., of Troop 33 in Saks who has attained the rank of Eagle Scout, Boy Scouts of America; and

WHEREAS, this coveted badge was earned through countless hours of hard work, diligence and great perseverance in fulfilling the stringent requirements for Eagle Scout rank; and

WHEREAS, John T. Ritondo, Jr., who is the 18-year-old son of Rose and John T. Ritondo, is a 1988 Honor graduate of Weaver High School where he achieved a perfect 4.0 average, was included in Who's Who Among American High School Students, and was voted Most Likely to Succeed; and

WHEREAS, he further is a member of Mary Queen of Peace Church and president of the Catholic Youth Organization; a member of numerous other organizations; and the recipient of many awards and honors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Eagle Scout John T. Ritondo, Jr., and do further direct that he receive a copy of this resolution, executed in recognition of extraordinary achievement and with warm best wishes for his every future success in life.

On motion of Rep. Crow, the rules were suspended and the resolution, H. J. R. 38, was adopted.

Also:

By Reps. Crow, Willis and Campbell:

H. J. R. 39. COMMENDING EAGLE SCOUT JEFFERY A. DAXE OF CALHOUN COUNTY, ALABAMA.

WHEREAS, it is with highest commendation that the Legislature of Alabama congratulates Jeffery A. Daxe of Troop 33 in Saks who has attained the rank of Eagle Scout, Boy Scouts of America; and

WHEREAS, this coveted badge was earned through countless hours of hard work, diligence and great perseverance in fulfilling the stringent requirements for Eagle Scout rank; and

WHEREAS, Jeffery Daxe, who is the 16-year-old son of Lorraine and Arnold Daxe, Jr., has completed his Sophomore year at the Donoho School in Anniston where he is a member of the Varsity basketball team; he also is an Honor Student, holds the #7 NASTAR Ski Ranking and is included in Who's Who Among American High School Students; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Eagle Scout Jeffery A. Daxe, and do further direct that he receive a copy of this resolution, executed in recognition of extraordinary achievement and with warm best wishes for his every future success in life.

On motion of Rep. Crow, the rules were suspended and the resolution, H. J. R. 39, was adopted.

Also:

By Reps. Cosby, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk,

Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby:

H. J. R. 40. COMMENDING YVONNE KENNEDY UPON HER ELECTION TO THE NATIONAL PRESIDENCY OF DELTA SIGMA THETA SORORITY.

WHEREAS, in continuing achievement and accomplishment, our good friend and colleague, Yvonne Kennedy of Mobile, was elected National President of Delta Sigma Theta Sorority, Incorporated, at the 39th National Convention and Diamond Jubilee Celebration held in San Francisco in July 1988; and

WHEREAS, now seventy-five years old, Delta Sigma Theta is the nation's largest Black women's organization with more than 175,000 members in some 800 collegiate and alumnae chapters throughout all fifty states and in Haiti, Africa, the Bahamas, West Germany and South Korea; and

WHEREAS, Delta Sigma Theta, which was founded in 1913, is a public service organization that involves its membership in campus and community affairs through academic, service, Christian and social activities; and

WHEREAS, Representative Kennedy, since her initiation at Alabama State University at the age of 18, has provided continuous leadership to DST at both local and regional levels, as well as nationally, while concurrently achieving other such outstanding goals as advanced academic degrees, including her Ph.D. from the University of Alabama, election to the Alabama House of Representatives, and the presidency of Bishop State Junior College in Mobile; and

WHEREAS, Dr. Yvonne Kennedy is indeed one of Alabama's most prominent citizens, in leadership and in service, and it is with great pride that we share her talents and abilities, not only as National President of Delta Sigma Theta, but as the first Southerner ever to achieve this exalted goal; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby commend our friend and colleague, Yvonne Kennedy of Mobile, whom we hold in highest regard and to whom a copy of this resolution of tribute shall be presented.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 40, was adopted.

Also:

By Rep. Davis:

H. J. R. 41. COMMENDING MCCULLOUGH WILLIAMS FOR OUTSTANDING SERVICE.

WHEREAS, it is with sincere praise and regard that the Alabama Legislature notes the distinguished service of McCullough Williams; and

WHEREAS, Mr. Williams is a leading and outstanding funeral director in Youngstown, Ohio as well as throughout the State of Ohio; and

WHEREAS, McCullough Williams has indeed provided outstanding leadership, marked with distinguished accomplishments by benefiting many citizens of this great nation; and

WHEREAS, Mr. Williams has indeed served the youth of his county long and well by organizing little league baseball and football teams and is to be highly praised for his loyalty and dedication to the youth, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary achievement, we hereby commend and congratulate McCullough Williams, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

On motion of Rep. Davis, the rules were suspended and the resolution, H. J. R. 41, was adopted.

Also:

By Rep. Beasley:

H. J. R. 42. NAMING THE BRIDGE ON STATE HIGHWAY 27, SOUTHWEST OF ABBEVILLE, ALABAMA, THE "CURETON BRIDGE".

WHEREAS, Cureton Bridge was an early Alabama settlement named for the Cureton family that settled there in the early 1820s; and

WHEREAS, the village was located on the East Fort of the Chattahoochee River in the Western part of Henry County and Northeast of what later became the Center Community; and

WHEREAS, William Jackson Cureton (1760-1832), a native of Virginia settled in the area circa 1825 and constructed a private bridge across the Choctawhatchee River, which was the first bridge to be built over this stream; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of William Jackson Cureton and the Cureton family, we hereby name and designate the bridge that spans the Choctawhatchee River on Alabama Highway 27, Southwest of Abbeville in Henry County, Alabama, the "Cureton Bridge".

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers so designating said bridge as the "Cureton Bridge".

On motion of Rep. Beasley, the rules were suspended and the resolution, H. J. R. 42, was adopted.

Also:

By Rep. Black:

H. J. R. 43. NAMING A PORTION OF STATE HIGHWAY 17 IN SUMTER COUNTY, ALABAMA, IN HONOR OF DR. MARTIN LUTHER KING, JR.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor and memory of the

late Martin Luther King, Jr., that portion of Highway 17 in Sumter County, Alabama, from its intersection with U. S. Highway 80, north through York, Alabama, to the point of intersection with Interstate Highways 20 and 59, is hereby named, designated and shall henceforth and forever be known as the "Martin Luther King, Jr., Parkway."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers so designating said highway portion as the "Martin Luther King, Jr., Parkway."

On motion of Rep. Black, the rules were suspended and the resolution, H. J. R. 43, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Flowers:

H. R. 44. MOURNING THE DEATH OF ALBERT BASCOM ELMORE OF TROY, ALABAMA.

Also:

By Rep. Flowers:

H. R. 45. COMMENDING MRS. LERA WILLIAMS OF ARITON, ALABAMA.

Also:

By Rep. Flowers:

H. R. 46. COMMENDING MRS. JOHNNIE MAE WARREN OF TROY, PIKE COUNTY, ALABAMA.

Also:

By Rep. Flowers:

H. R. 47. COMMENDING HOUSTON YOHN OF TROY AS AN OUTSTANDING CITIZEN OF THE STATE OF ALABAMA.

Also:

By Rep. Flowers:

H. R. 48. CONGRATULATING MR. AND MRS. DENZIL BARR ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Flowers:

H. R. 49. RECOGNIZING WITH COMMENDATION THE 100TH ANNIVERSARY OF HAMILTON CROSSROADS CHURCH OF CHRIST.

Also:

By Rep. Flowers:

H. R. 50. CONGRATULATING MR. AND MRS. ROBERT A. MCGEEHEE ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Reps. Bugg, Ford and Junkins:

H. R. 51. MOURNING THE DEATH OF CAROLYN ROSE GAMBLE OF GADSDEN, ALABAMA.

Also:

The following resolutions were introduced:

By Reps. Bugg, Ford and Junkins:

H. J. R. 52. COMMENDING MRS. MAE BELLE YANCEY FOR DISTINGUISHED SERVICE TO ETOWAH COUNTY'S DUCK SPRINGS ELEMENTARY SCHOOL.

WHEREAS, the recent retirement of Mrs. Mae Belle Yancey brought to a close a distinguished tenure of 29 years as manager of the Duck Springs Elementary School lunchroom; and

WHEREAS, throughout these many years, Mrs. Yancey provided the young students of Duck Springs School with sound, nutritional meals and her dedication to this task has been recognized by students, parents and co-workers, both past and present, who are grateful for her loyalty to the school; and

WHEREAS, Mrs. Yancey, in addition to her managerial responsibilities, also rendered invaluable volunteer service to the PTA and, in appreciation, was awarded a lifetime membership in the organization; and

WHEREAS, we further note, with highest commendation, that in both volunteer and professional service, Mrs. Yancey has greatly contributed to the welfare and well-being of three generations of students at Duck Springs Elementary School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to Etowah County's Duck Springs Elementary School, we hereby most highly commend Mrs. Mae Belle Yancey and do further direct that she receive a copy of this resolution of sincere praise and esteem.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 52, was adopted.

Also:

By Reps. Bugg, Ford and Junkins:

H. J. R. 53. COMMENDING DAN S. MALONE OF GADSDEN, ALABAMA.

WHEREAS, Dan S. Malone of Gadsden, Alabama, a graduate of Emma Sansom High School and currently a student at the University of Alabama, is a young man possessed of great courage of conviction and one who has uncovered and aired a grave injustice to the memory of William L. Moore, an early civil rights activist from Baltimore, Maryland; and

WHEREAS, on April 21, 1963, William L. Moore began a "walk for freedom" from Chattanooga, Tennessee, to Jackson, Mississippi, and his was a fearless march that was to focus the eyes of America on the evils of

segregation and to serve as a plea to his fellow Southerners to join the revolution in a fight for integration; and

WHEREAS, his courageous efforts were short lived, however, as on April 23, 1963, he was killed by two shots fired by an unknown assailant as he walked along U.S. Highway 11 near the Keener Community in Etowah County, Alabama; and

WHEREAS, William Moore's assassination represents one of the first deaths of a civil rights activist, yet the spot where a young white man from Baltimore lost his life, while seeking equality and justice for all, remains unmarked and his courage and virtue remain unheralded; and

WHEREAS, Dan Malone is indeed to be commended for the role he has taken in recounting for posterity the contributions of William L. Moore to the cause of civil rights and this brave man's ultimate sacrifice made more than 25 years ago; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his untiring efforts to commemorate the courage and greatness of character of William L. Moore, we hereby commend Dan S. Malone of Gadsden, Alabama, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 53, was adopted.

Also:

By Reps. Bugg, Ford and Junkins:

H. J. R. 54. COMMENDING GOLF CHAMPION REX KEELING OF GADSDEN, ALABAMA.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama congratulates Rex Keeling as winner of the 62nd annual Gadsden Country Club Invitational Golf Tournament; and

WHEREAS, thrown into a play-off, Rex Keeling putted for a birdie on the 412-yard first hole to capture the title and his second GCC championship, having previously won the tournament twenty-two years ago in 1966; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement as the 1988 GCC Golf Tournament Champion, we hereby commend Rex Keeling, whom we hold in warmest personal regard and for whom a copy of this resolution shall be provided.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. J. R. 54, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Hammett:

H. R. 55. COMMENDING THE LURLEEN B. WALLACE SAINTS ON THEIR 1988 ALABAMA JUNIOR COLLEGE BASEBALL CHAMPIONSHIP.

Also:

By Rep. Hammett:

H. R. 56. COMMENDING JAMES LAWRENCE NOLEN OF OPP, ALABAMA, ON HIS DISTINGUISHED EDUCATIONAL CAREER.

Also:

By Rep. Hammett:

H. R. 57. COMMENDING PILOT OF THE YEAR, MARGARET BASS OF ANDALUSIA, ALABAMA.

Also:

By Rep. Hammett:

H. R. 58. COMMENDING ANDALUSIA ATTORNEY, GRIFFIN SIKES, FOR OUTSTANDING PROFESSIONAL ACCOMPLISHMENT AND COMMUNITY SERVICE.

Also:

By Rep. Richardson:

H. R. 59. MOURNING THE DEATH OF CLAUDE E. MATTHEWS OF JACKSON COUNTY, ALABAMA.

Also:

By Rep. Rains:

H. R. 60. COMMENDING RANDY JONES OF GUNTERSVILLE, ALABAMA, FOR DISTINGUISHED SERVICE AND ACHIEVEMENT.

Also:

The following resolution was introduced:

By Rep. Rains:

H. J. R. 61. COMMENDING GENE STARNES OF GUNTERS-
VILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with highest commendation, that the Alabama Legislature recognizes the many and outstanding accomplishments of Gene Starnes of Guntersville, Alabama, a Marshall County native who has greatly distinguished himself in numerous fields of endeavor; and

WHEREAS, Mr. Starnes, although widely known as a successful businessman, prominent politician and community leader, has achieved most notably in the field of gospel music, and as a pioneer and proponent for some 65 years of an art form indigenous to his native Southland; and

WHEREAS, both talented and dedicated in his pursuit of praise to the Lord through music and song, Mr. Starnes has traveled throughout Alabama, the South and in other areas of the country, singing with various quartets, participating in conventions, and serving the cause of gospel music in many leadership positions; and

WHEREAS, Gene Starnes, who also is a former radio show producer, disc jockey and performer, is the composer of three successful gospel song

hits; the recipient of such distinctions as the first national "Mr. Gospel Disc Jockey" award and "Gene Starnes Day"; and is a former newspaper contributor whose "Gospel Notes" column enjoyed tremendous popularity with its readers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and contributions in the field of gospel music, we hereby most highly commend Gene Starnes of Guntersville, Alabama, whom we hold in highest esteem and for whom a copy of this resolution shall be provided.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 61, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Rains:

H. R. 62. COMMENDING EARL LYBRAND OF BOAZ, ALABAMA, FOR HIGHEST BENEFACTION TO HIS FELLOWMAN.

Also:

By Rep. Rains:

H. R. 63. COMMENDING WILLIAM BRYAN ADAMS OF KILPATRICK, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN FFA.

Also:

By Rep. Rains:

H. R. 64. COMMENDING CAYLA CAMPBELL OF ALBERTVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Turnham:

H. R. 65. MOURNING THE DEATH OF WILLIAM B. LINGLE OF AUBURN, ALABAMA.

Also:

By Reps. Box, Gaston, Kennedy, Clark (W), Marietta, Kvalheim, Zoghby, Turner, Harper and Buskey (JE):

H. R. 66. CONGRATULATING THE SATSUMA HIGH SCHOOL GATORS, OUR 1988 CLASS 6A STATE BASEBALL CHAMPIONS.

Also:

By Reps. Turnham and White (L):

H. R. 67. MOURNING THE DEATH OF WILLIAM BYRON CAUSEY OF ALEXANDER CITY, ALABAMA.

Also:

By Reps. Turnham and Cosby:

H. R. 68. COMMENDING CHARLES L. BYRD, PRESIDENT OF GEORGE CORLEY WALLACE STATE COMMUNITY COLLEGE.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Grouby:

H. 1. To propose a self-executing amendment to the Constitution of Alabama of 1901, relative to the compensation of the judge of probate of Autauga County.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Campbell:

H. 2. Relating to implied warranties which apply to the sale of new residential real estate and the waiver and relinquishment of such in certain situations; to provide the intent of the legislature regarding this act; to provide that a purchaser of new residential real property, which shall include the sale and purchase of any improvements on such real property, shall have the right and ability to agree and state in writing that such transaction shall not be subject to any implied warranties, including any implied warranty of fitness and habitability; to provide language which will be legally sufficient to express the intention that such transaction will not be subject to any implied warranties, including the implied warranty of fitness and habitability; to provide for an effective date of this law; to provide for the repeal of inconsistent laws or parts of laws; to provide for the severability of this act; and to provide the manner in which this bill becomes law.

Committee on Judiciary.

By Rep. Campbell:

H. 3. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1987 Regular Session of the Legislature, as contained in the 1987 Cumulative Supplement to certain volumes of the Code and in the 1987 Replacement Volumes 7, 7A and 13 of the Code; to make corrections in certain volumes of such cumulative supplement and replacement volume 13; and to reorganize Article 5, Chapter 12, Title 13A, and Chapter 2, Title 20, as appearing in Volumes 12 and 14, respectively, of such cumulative supplement, so as to place the principal drug crime statutes in Title 13A, the Alabama Criminal Code.

Committee on Judiciary.

By Rep. Campbell:

H. 4. To amend §1-3-8 of the Code of Alabama 1975, so as to further provide for State holidays in this state; to provide that National Memorial Day shall be a legal holiday in this state and for the celebration of Confederate Memorial Day and Jefferson Davis' birthday on such day; to further provide for the celebration of Mardi Gras in this state; and to provide for personal leave days for State employees in lieu of certain holidays.

Committee on State Administration.

By Rep. Campbell:

H. 5. To further regulate the advertising by dentists, and the fees of dentists for administering anesthesia intravenous sedation; and to further

amend Sections 34-9-19, 34-9-60, 34-9-61, 34-9-63 and 34-9-64, Code of Alabama 1975, as amended, relating to fees and advertising, so as to further provide therefor.

Committee on Health.

By Rep. Campbell:

H. 6. Relating to elections; to define the meaning of terms used in this act; to provide for the designation and organization of a principal campaign committee by each candidate for election to state or local office; to designate the Secretary of State and the Judge of Probate as the recipients of reports and statements required to be filed by this act; to provide for the registration of political committees, including the principal campaign committee of each candidate; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to delineate the duties of the Secretary of State and Judge of Probate; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising; to prohibit the intimidation of voters, certain expenditures to influence voting, the publication or distribution of certain political statements, contributions in the name of another, fraudulent misrepresentations of campaign authority, and coercion of contributions; to provide penalties for the violation of the provisions of this act; to require that certificates of election be withheld under certain circumstances; and to repeal chapter 22 of Title 17 of the Code of Alabama 1975.

Committee on Judiciary.

By Reps. Mathis and Williams:

H. 7. Proposing an amendment to the Constitution of 1901, as amended, relating to the legislative process for considering the major appropriations bills for the operations of education, the operations of the executive, legislative and judicial branches of state government, the state public debt, and the other business of state government and setting a time frame therefor; and repealing Amendment No. 448 to the Constitution of 1901, as amended, Act No. 81-889, S. 32, First Special Session 1981 (Acts 1981, First, Second and Third Special Sessions, p. 25) relating to the legislative process for certain appropriations.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Campbell:

H. 8. To amend Article 19 of Chapter 4 of Title 10 of the Code of Alabama (1975), as amended, the Revised Alabama Professional Corporation Act, by amending Sections 10-4-383, 10-4-387, 10-4-389, and 10-4-403 of the Code of Alabama (1975), as amended to determine the date of disqualification of shareholders; to allow corporations in existence December 31, 1983 in which licensed medical and dental professionals were allowed to be shareholders under Section 10-4-235, Code of Alabama (1975), to continue and to permit licensed medical and dental professionals to be allowed to be shareholders in the same professional corporation; permit professional associations in existence December 31, 1983 to continue to use the name professional associations or the abbreviation P.A.

Committee on Judiciary.

By Rep. Campbell:

H. 9. To revise the law on powers contained in mortgages on real estate and to provide: definitions; foreclosure by power of sale; minimum standards for notice of sale; method of conducting foreclosure by power of sale; and successive sales under power permitted. This Act applies only to mortgages, defined herein, executed on or after the effective date of this Act which is January 1, 1989.

Committee on Judiciary.

By Rep. White (L):

H. 10. To require the state department of human resources to charge a fee in the amount of \$1,000.00 to be assessed as costs against the petitioners for investigation services performed in certain independent cases involving adoption; and to require that said fees shall be deposited in the state treasury to the credit of state general fund.

Committee on Ways and Means.

By Rep. White (L):

H. 11. To require the state department of human resources to charge a fee at a certain hourly rate to be assessed as costs against the parties for investigation services performed in cases involving divorce or divorce modifications, and to require that said fees shall be deposited in the state treasury to the credit of the state general fund.

Committee on Ways and Means.

By Reps. Williams, Carter, Turnham, Richardson, Junkins, Wright, Harper and Mathis:

H. 12. To amend Section 16-3-9, Code of Alabama 1975, which provides for the expense allowance for members of the state board of education, so as to increase said allowance.

Committee on Ways and Means.

By Reps. Petelos and Ford:

H. 13. Relating to persons who are required to register with the U. S. Selective Service System, so as to provide that such persons may not enroll in institutions of higher learning nor be offered employment or advancement or promotion by the State of Alabama unless such persons offer proof that they have so registered, and to authorize the State Personnel Board and the institutions of higher learning to promulgate necessary rules and regulations.

Committee on Military Affairs.

By Rep. Coburn:

H. 14. To amend Act No. 80-582 of the Alabama Legislature to promote the conservation of the state's petroleum resources and to encourage the use of alternative motor fuels, to accomplish such measures by offering a tax incentive in the form of a reduced rate of taxation on the motor fuel known

as "gasohol," as defined herein, and to fix a termination date for the reduced rate.

Committee on Ways and Means.

By Reps. Williams and Mathis:

H. 15. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1989, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Committee on Ways and Means.

By Reps. Starkey, Dillard, Brooks, Hamilton, Freeman, Grayson, Marks, Richardson and Bowling:

H. 16. To amend Section 37-1-47 of the Code of Alabama 1975, relating to Public Service Commission intervention in certain federal proceedings, so as to provide further for participation in federal proceedings by the Public Service Commission.

Committee on Judiciary.

By Reps. Turner, Cosby, White (L) and Junkins:

H. 17. To provide for a limitation on the total cost of license plates, taxes and license fees for motorized recreational vehicles; to return the taxation of such vehicles to the rates, weights and amounts that existed prior to 1984; and to exempt motorized recreational vehicles from the provisions of section 40-12-248 of the Code of Alabama 1975.

Committee on Ways and Means.

By Rep. Turner:

H. 18. To amend Sections 40-23-2(4), 40-23-61, 40-23-101 and 40-23-102, Code of Alabama 1975, which levy sales and use taxes on automotive vehicles, truck trailers, semitrailers, and house trailers, so as to increase the levy from 1 1/2% to 3% and amends Sections 40-23-35 and 40-23-108 to distribute the additional funds generated to the state general fund.

Committee on Ways and Means.

By Rep. Clark (J) (With Notice and Proof):

H. 19. Relating to Barbour County, providing for an increase in certain court costs and providing for the disposition of the proceeds from the increase.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 19, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Clark (J) (With Notice and Proof):

H. 20. Relating to Barbour County, providing an expense allowance for the circuit judge, district attorney, district judge and circuit clerk, and to provide for the funding of said allowance.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 20, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. White (L) and Turnham:

H. 21. To make appropriations for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Thomas:

H. 22. To amend Sections 34-33-1, 34-33-2, 34-33-3, 34-33-4, 34-33-5, 34-33-6 and 34-33-10 of the Code of Alabama 1975, relating to fire protection sprinkler systems, so as to redefine such systems and to further regulate the fire protection sprinkler system business in this state.

Committee on Judiciary.

By Rep. Newton:

H. 23. To amend section 32-6-15, Code of Alabama 1975, relating to fees for duplicate drivers' licenses, so as to increase the fee for a duplicate of lost or destroyed licenses.

Committee on Ways and Means.

By Reps. Newton and Curry (With Notice and Proof):

H. 24. Relating to Jefferson County; to prescribe for the compensation of the Chief Deputy Sheriff of Jefferson County and to provide for the payment thereof.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 24, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Newton:

H. 25. To make an appropriation for the support and maintenance of the Alabama Governor's School for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Newton:

H. 26. To amend section 32-2-8, Code of Alabama 1975, relating to fees charged for copies of records of the Department of Public Safety, so as to increase the fee charged for a copy of any record in the files for the department of public safety.

Committee on Ways and Means.

By Reps. Harper, Adams, Wright and Fuller:

H. 27. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions

of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Reps. Harper, Adams and Wright:

H. 28. To make annual appropriations for the support, maintenance and development of public education in Alabama for debt service and capital improvements for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Harper:

H. 29. To make a supplemental appropriation of \$1,000,000 from the Alabama Special Educational Trust Fund to the Alabama Commission on Higher Education for the EPSCoR program for the fiscal year ending September 30, 1988.

Committee on Ways and Means.

By Rep. Harper:

H. 30. To make an appropriation from the State General Fund to the Childrens Hands on Museum in Tuscaloosa for the fiscal year ending September 30, 1989 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 31. To make an appropriation of \$100,000 from the State General Fund to America's Junior Miss Pageant, Inc. for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Harper:

H. 32. To make an appropriation of \$115,000 from the Alabama Special Educational Trust Fund to the League for the Advancement of Education for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 33. To make an appropriation of \$750,000 from the Alabama Special Educational Trust Fund to the Alabama Shakespeare Festival for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 34. To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September

30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 35. To make an appropriation from the Alabama Special Educational Trust Fund in the amount of \$400,000 to Children and Womens Hospital for the fiscal year ending September 30, 1989 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 36. To make an appropriation from the State General Fund and the Alabama Special Educational Trust Fund for the fiscal year 1988-89 for the use of a sickle cell education program.

Committee on Ways and Means.

By Rep. Harper:

H. 37. To make an appropriation of \$2,000,000 from the Alabama Special Educational Trust Fund to the Southern Research Institute for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 38. To make an appropriation from the State General Fund to certain Promotional Tourism programs for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 39. To make an appropriation from the State General Fund to historical Preservation and Promotion programs for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 40. To make an appropriation from the State General Fund in the amount of \$30,000 to Coosa-Alabama River Improvement Association for the fiscal year ending September 30, 1989 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 41. To make an appropriation from the State General Fund to certain Industrial Parks for the fiscal year ending September 30, 1989, and

to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 42. To provide for the creation of a special account to which the Legislature shall appropriate certain funds to prevent proration of the Alabama Special Educational Trust Fund; to prescribe criteria and procedures for withdrawals from such account in years of proration or in emergency situations as may be determined by the Legislature; to make annual appropriations to such account until a certain amount is established and to provide that such amount shall be maintained in separate trust from year to year except during years of proration in the Alabama Special Educational Trust Fund and in emergencies; to prescribe procedures and criteria for reimbursement to such account after withdrawals; to provide for an effective date; and to repeal conflicting provisions.

Committee on Ways and Means.

By Rep. Harper:

H. 43. This bill provides for a supplemental appropriation of \$80,000 from the state general fund to the State Treasurer's Office for the fiscal year ending September 30, 1988.

Committee on Ways and Means.

By Rep. Harper:

H. 44. To propose an amendment to the Constitution of Alabama, 1901 to repeal Article IV Section 65 which prohibits lotteries and gift enterprises.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Harper:

H. 45. To make a supplemental appropriation to the Alabama Real Estate Commission from the Real Estate Commission Fund for capital outlay for the fiscal year ending September 30, 1988.

Committee on Ways and Means.

By Rep. Harper:

H. 46. To levelize the taxes on all tobacco products; to amend Sections 40-25-2 and 40-25-4, Code of Alabama 1975, so as to levy an additional privilege and license tax on the sale, storage, use, consumption or delivering of cigarettes within this state; to amend Section 40-25-23, Code of Alabama 1975, to provide for the disposition of the additional tobacco tax proceeds; to correct the identification of the Department of Mental Health and Mental Retardation, and provide for distribution for servicing bonds issued under the authority of Amendment 266 to the Constitution of Alabama; to provide for a single stamp system and protective distribution to replace local levies which are to be terminated or repealed; to provide for a credit system for stamp inventories in the possession of distributors at the date of implementation and to provide that the revenues generated will be distributed in

part to the cities and counties to further secure bonds issued pursuant to Act 88-475, and the remainder to the General Fund of the State of Alabama.

Committee on Ways and Means.

By Rep. Harper:

H. 47. To amend Sections 27-4-4 and 27-4-5, Code of Alabama 1975, so as to delete the provisions allowing insurance companies to deduct examination expenses from premium taxes and to increase domestic premium tax rates and to provide that the increased revenue will be deposited in the State General Fund.

Committee on Ways and Means.

By Rep. Marietta:

H. 48. To amend §37-1-11 of the Code of Alabama 1975, to further provide for the salaries of the president and associate commissioners of the Alabama Public Service Commission.

Committee on Judiciary.

By Reps. Junkins, Ford, Rogers, Buskey (JL), Bowling, Grouby, Newman, Carter, Fuller, Blakeney, Mikell, Burke, Bugg, Moon, Hogan, Hamilton, Williams, Richardson, Petelos, McDowell, McKee, White (L), Willis, Cosby, Crow, Freeman, and Harvey:

H. 49. Relating to elections held in this state; to require qualified electors to provide an identification card or document to any election official or official poll watcher upon request.

Committee on Constitution and Elections.

By Reps. Junkins, Bowling, Grouby, Newman, Carter, Fuller, Blakeney, Mikell, Burke, Ford, Bugg, Moon, Hogan, Williams, Petelos, Richardson, McKee, White (L), Cosby, Crow, Freeman, and Harvey:

H. 50. To make an appropriation to the Alabama Public Library Service for the fiscal year ending September 30, 1989, for educational purposes.

Committee on Ways and Means.

By Rep. Marietta:

H. 51. To provide that the Judicial Inquiry Commission's investigative and litigation costs shall be paid out of the funds appropriated annually to the court costs fund or funds; and to provide for repayment of any refunded or recaptured amounts to the court costs fund or general fund.

Committee on Ways and Means.

By Reps. Richardson, Clark (J), Layson, Carter, Dillard, Grouby, Moon, Marks, Cosby, Knight, Hamilton, Blakeney, Willis, McMillan, Penry, and Breedlove:

H. 52. To amend Sections 9-11-44 and 9-11-53, Code of Alabama 1975, relating to annual resident hunting and fishing licenses, respectively, so as to increase the license fees, to further provide for a hunting license exemption for certain residents, to delete a provision for a county fishing license, to increase the fishing license issuance fee, to further provide for an exemption relating to certain fishing by certain county residents, to provide for an

exemption for certain persons fishing pursuant to Act No. 88-578, to increase the penalties in Section 9-11-44, and to authorize the issuance of licenses on a combination basis.

Committee on Agriculture,
Forestry and Natural Resources.

By Reps. Wright, Breedlove, Williams, Petelos, Curry, White (G), Hamilton, Spratt, and McMillan:

H. 53. To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Curry:

H. 54. To exempt the Alabama Blinded Veterans Association, Inc., from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Rep. Richardson:

H. 55. To designate the Stevenson Depot as the Official Railway Museum of Alabama.

WHEREAS, the Stevenson Railroad Depot, which was built in the early 1850's, has been truly steeped in railroad and transportation history, serving as a major communication center; and

WHEREAS, the renovation of the Depot was completed in the early 1980's and the history of railroading in North Alabama is preserved in memorabilia and exhibits, and a multimedia presentation; and

WHEREAS, since year-round operation of the museum began in 1982, thousands of tourists, area residents, and students have toured the Depot and to see on static display, classic steam locomotives, various railway rolling stock and equipment; now therefore,

Committee on Agriculture,
Forestry and Natural Resources.

By Rep. Marietta:

H. 56. To amend Section 37-4-23 of the Code of Alabama 1975, to further provide for the disposition and disbursement of fees collected thereunder.

Committee on Judiciary.

By Rep. Marietta:

H. 57. To amend Section 36-13-12 of the Code of Alabama 1975, providing pension for widows of governors, so as to provide further for such pension.

Committee on Ways and Means.

By Rep. Marietta:

H. 58. To amend Section 37-4-116 of the Code of Alabama 1975, relating to fees for inspection and supervision of radio utilities, so as to provide further for such fees and to provide for payment on a quarterly basis.

Committee on Judiciary.

By Rep. Marietta:

H. 59. This bill requires pipeline facilities transporting hazardous liquids and/or liquified natural gas (LNG) and facilities used in the liquification of natural gas to comply with certain standards of safety; granting certain additional rights, powers and authority to the Alabama Public Service Commission to carry out the purposes of this Act; prescribing jurisdictions of courts for injunction proceedings; and prescribing monetary sanctions for violations of certain standards of safety.

Committee on Judiciary.

By Reps. Biddle, White (G), and Coburn:

H. 60. To make an appropriation from the Alabama Special Educational Trust Fund to the Department of Mental Health and Mental Retardation for the fiscal year ending September 30, 1989, for educational purposes.

Committee on Ways and Means.

By Rep. Marietta:

H. 61. To amend the Alabama Trademark Act to include the registrability of business tradenames thereby creating an "Alabama Trademark and Tradename Act" by amending sections 8-12-6, 8-12-7, 8-12-8, 8-12-9, 8-12-14, 8-12-16, and 8-12-17 of the Code of Alabama 1975. Further to provide for transition provisions for existing trademarks and an effective date of January 1, 1989.

Committee on Judiciary.

By Rep. Curry:

H. 62. To exempt the Birmingham Landmarks, Incorporated from the payment of all state, county and municipal ad valorem and sales and use taxes.

Committee on Ways and Means.

By Rep. White (F):

H. 63. To provide for review of official actions relating to prisoners by officials and agencies which are responsible for the administration of detention facilities or penal facilities; to limit judicial review to official actions which implicate rights, privileges and immunities under the United States Constitution; to establish a procedure for such judicial review; to provide for applicability; and to provide the remedy hereby established is exclusive.

Committee on Judiciary.

By Rep. Marietta:

H. 64. To amend Section 13A-5-2, Section 13A-5-11 and Section 13A-5-12 of the Code of Alabama 1975, to provide for the imposition of minimum fines in criminal sentences.

Committee on Judiciary.

By Reps. Junkins, Layson, Newman, Grouby, Bowling, Ford, Carothers, Buskey (JL), Bugg, Marks, Carter, Fuller, Mikell, Burke, Moon, Hogan, Williams, Dillard, McKee, White (L), McDowell, Rogers, Crow, White (F), Warren, Willis, Freeman, and Richardson:

H. 65. To provide a seven and one-half percent (7.5%) pay increase for certain public education employees with the beginning of the 1988-89 fiscal year; to provide a continuing pay increase provision for those teachers who have gained or may gain "continuing service status" or attain five years teaching experience in public schools and institutions; to define "continuing service status" for pay purposes only; to provide a seven and one-half (7.5%) increase for full-time personnel on all Salary Schedules in all public two-year colleges; to grant two-year college personnel credit for prior work experience; to prescribe a manner for payment; to establish miscellaneous pay provisions; and to provide an effective date.

Committee on Ways and Means.

By Rep. Marietta:

H. 66. Relating to group or blanket hospital or medical expense insurance policies or service contracts; requiring that when a purchaser of insurance terminates or replaces an existing group hospital or medical insurance policy or contract containing a "preexisting conditions" clause, certain benefits shall be provided under the clause.

Committee on Insurance.

By Reps. Junkins, Ford, Buskey (JL), Bowling, Grouby, Newman, Carter, Fuller, Blakeney, Mikell, Burke, Bugg, Moon, Williams, Petelos, Richardson, McKee, White (L), Cosby, McDowell, Zoghby, Willis, Crow, Rogers, Freeman, and Harvey:

H. 67. Relating to elections; to establish, operate and maintain a state-wide voter file maintenance system as a service to county boards of registrars to assist them in updating their voter lists and to provide that this act shall be supplemental to existing election laws.

Committee on Constitution and Elections.

By Reps. Zoghby, Harper, Marietta, Box, and Kennedy:

H. 68. To make an appropriation to the Alabama State Council on the Arts for the fiscal year ending September 30, 1989, for educational purposes.

Committee on Ways and Means.

By Rep. Perdue:

H. 69. To exempt the Alabama School of Fine Arts Foundation in Birmingham, Alabama, from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Rep. Perdue:

H. 70. To provide for the regulation of the practice of occupational therapy; to provide for a short title, a declaration of purpose and definitions in regard to regulation; to provide for the establishment of the Alabama State Board of Occupational Therapy, its terms of office, vacancies, and

removal of members; to provide for meetings of the board; to provide for compensation for members of the board; to provide for administrative provisions and powers and duties of the board; to provide requirements for licenses to practice, qualifications of applicants, examination as a requirement for licensure, waiver of requirements, and persons and practices not affected by this act; to provide for service of process and official records for prima facie evidence; to provide for issuance of a license and cause for suspension, revocation and renewal of license; to provide for fees; to provide for crimes and criminal penalties for violations of this act; to provide for appeal or review; to provide for severability; to provide for an effective date; and to provide for other matters relative to the foregoing.

Committee on Health.

By Rep. Zoghby:

H. 71. To amend Section 5-13A-2, Code of Alabama 1975, as amended, relating to banks and banking, so as to add the State of Texas to the states within the definition of "region" covered by the Alabama Regional Reciprocal Banking Act of 1986; to provide for severability of the provisions of this act; to provide for the amendment of conflicting laws to the extent of such conflict; and to provide an effective date.

Committee on Banking.

By Rep. Johnson (RG):

H. 72. To make appropriations for the support and maintenance of Sylacauga Nurses Training School for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Zoghby:

H. 73. To amend Section 11-81-21 of the Code of Alabama 1975, as amended, so as to add thereto other securities in which municipal or county funds, not presently needed for other purposes, may be invested.

Committee on Banking.

By Rep. Zoghby:

H. 74. To provide for local governments in the State of Alabama to convert untenanted portions of commercial and industrial buildings into joint living and work quarters for artists under a redevelopment plan.

WHEREAS, persons regularly engaged in the arts require larger amounts of space for the pursuit of their artistic endeavors and for the storage of materials therefor, and of the products thereof, than are regularly found in dwellings; and

WHEREAS, the financial remunerations to be obtained from a career in the arts are generally small; and

WHEREAS, persons regularly engaged in the arts generally find it financially difficult to maintain quarters for their artistic endeavors separate and apart from their places of residence; and

WHEREAS, high property values and resulting rental costs make it particularly difficult for persons regularly engaged in the arts to obtain the use of the amount of space required for their work; and

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WHEREAS, the residential use of such space is accessory to the primary use of such space as a place of work; now therefore,

Committee on Banking.

By Reps. Grayson, Butler, and Freeman (With Notice and Proof):

H. 75. To alter, extend, rearrange and redefine the boundaries and corporate limits of the City of Huntsville in Madison County, annexing certain territory to the city.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 75, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Grayson, Hall, and Freeman:

H. 76. To exempt the FOP LODGE No. 6, in Huntsville, Alabama, from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Rep. Zoghby:

H. 77. This bill amends §16-8-3 and §16-8-4, Code of Alabama, 1975, relating to the scheduling of regular meetings and annual public meetings of county boards of education.

Committee on Education.

By Rep. Zoghby:

H. 78. To amend Section 43-2-502 of the Code of Alabama 1975, relating to the filing of accounts by executors or administrators, so as to provide that the written evidence in the possession of an executor or administrator on which the executor or administrator relies to sustain the credit side of the account may consist of an affidavit or any other legal evidence, in the discretion of the executor or administrator.

Committee on Banking.

By Reps. White (G), Petelos, Curry, Newton, Wright, Perdue, Beers, Gray, McClain, Hill, and Knight:

H. 79. To make an appropriation from the Alabama Special Educational Trust Fund to the Southern Research Institute for the fiscal year 1988-89 for educational purposes, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Britnell and Turnham:

H. 80. To amend Sections 22-5-2 and 22-5-5, Code of Alabama 1975, relating to the state commission on physical fitness, so as to rename said commission and provide further for its role and duties relative to certain events.

Committee on Health.

By Reps. White (G), Curry, and Beers:

H. 81. To establish the offense of criminal enterprise for the purpose of trafficking in illegal drugs, which shall be known as the "Alabama Drug Trafficking Enterprise Act," and to prescribe punishment.

Committee on Judiciary.

By Rep. White (G) (With Notice and Proof):

H. 82. To further regulate the sale of alcoholic or spirituous or vinous liquors, brewed or malt beverages and beer in any Class 1 municipality; to provide that certain validly licensed manufacturers brewing malt or malt liquors may sell to consumers and others for consumption on the premises or off the premises, as the case may be; to provide that a validly licensed restaurant retail licensee may also be licensed as a manufacturer of said malt brewed or malt liquors; to provide that certain manufacturers may also be wholesalers to sell said brewed or malt liquors, regardless of origination, to duly licensed persons or vendors; and to repeal any local, general or special law conflicting with the provisions of this act.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 82, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Brooks (With Notice and Proof):

H. 83. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Owens Cross Roads, in Madison County.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 83, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Drake (With Notice and Proof):

H. 84. Relating to Cullman County; providing for the county commission on education to reimburse the office of the county superintendent of education for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing that such funds shall be payable from the general fund of the county allocated for schools.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 84, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Britnell (With Notice and Proof):

H. 85. Relating to Franklin County; to provide for additional expense allowances for members of the board of registrars and to provide for its retroactive effect.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 85, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Flowers (With Notice and Proof):

H. 86. Relating to Pike County; repealing Act No. 87-760, H. 853, 1987 Regular Session, which provided a legislative delegation office allowance, and increasing certain court costs, so as to provide further for an expense allowance for the legislative delegation office.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 86, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Parker (With Notice and Proof):

H. 87. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Decatur, in Morgan County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 87, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Fuller and Laird (With Notice and Proof):

H. 88. Relating to Chambers County, providing further for the compensation of poll workers.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 88, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Faulk (With Notice and Proof):

H. 89. Relating to Crenshaw County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in

Crenshaw County; repealing conflicting laws; and prescribing the effective date of this act.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 89, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. White (F) (With Notice and Proof):

H. 90. Relating to the twenty-first judicial circuit, Escambia County, Alabama; providing further for expense allowances and equalizing expense allowances for the presiding circuit judge, circuit judge No. 2 and the district judge of the circuit; providing for such expense allowances to be payable from the county treasury.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 90, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (RW) (With Notice and Proof):

H. 91. Relating to the City of Tuscaloosa, Tuscaloosa County, fire-fighters, so as to establish longevity pay in addition to compensation and the manner of such payments.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 91, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Faulk (With Notice and Proof):

H. 92. Relating to Crenshaw County; to provide for the election of the county superintendent and for the filling of unexpired terms of office resulting from vacancies; subject to the approval of a majority of the qualified electors of Crenshaw County voting thereon at a referendum election.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 92, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (RW) (With Notice and Proof):

H. 93. Relating to Tuscaloosa County and the Firemen's and Policemen's Pension and Relief Fund for the City of Tuscaloosa, further amending Act No. 328, H. 854, 1959 Regular Session, providing for an increase in the amount to be deducted from the salary of each fireman and policeman,

increasing the amount to be paid into the fund out of the treasury of city by the governing body of the city and to change the requirements relating to the signing of warrants or checks for payment of amounts from the fund.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 93, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Ford, White (L), Turnham, Grouby, Blakeney, Headley, Layson, Mikell, Junkins, Bugg, Bowling, Flowers, Walker, Burke, Willis, Moon, Hogan, Williams, Freeman, Richardson, White (F), Warren, Black, Wright, Biddle, Davis, Harvey, Melton, Newton, Reed, McClain, Mathis, Carter, and Laird:

H. 94. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Reps. Ford, Bowling, Layson, Hamilton, Grouby, White (L), Turner, Headley, Blakeney, Mikell, Junkins, Bugg, Flowers, Walker, Burke, Willis, Moon, Hogan, Williams, Freeman, Richardson, White (F), Warren, Wright, Biddle, Davis, Harvey, Melton, Newton, Reed, Mathis, McClain, Carter, Black, and Laird:

H. 95. To provide a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Ford:

H. 96. To amend sections 16-33B-1, 16-33B-3 and 16-33B-4, Code of Alabama 1975, relating to the Alabama guaranteed student loan program, so as to define approved lender, student loans, Federal Student Loan Law and eligible institution; to provide program administration in accordance with the Federal Student Loan Law; to provide for basic powers and duties of the Alabama Commission on Higher Education in accordance with the Federal Student Loan Law; to promote the availability of the Alabama guaranteed student loan program; and to service loans.

Committee on Ways and Means.

By Rep. Ford:

H. 97. To make an appropriation of \$30,000 from the State General Fund to the Coosa Alabama River Improvement Association for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Higginbotham:

H. 98. To amend section 36-21-9 of the Code of Alabama 1975, which provides for a card authorizing an honorably retired law enforcement officer

to carry a handgun so as to change the issuance of the card from an annual to a permanent basis.

Committee on Judiciary.

By Reps. Cosby, Burke, Williams, Mikell, Harvey, Grouby, McMillan, Fuller, Mathis, and Wright:

H. 99. To amend Sections 40-6-1, 40-6-3 and 40-6-4, Code of Alabama 1975, relating to the compensation and benefits paid to supernumerary tax assessors, tax collectors, revenue commissioners, license commissioners or other elected officials charged with the assessment and/or collection of ad valorem taxes, so as to cover appointed ad valorem tax officials and provide for a surviving spouse benefit.

Committee on Ways and Means.

By Rep. Cosby:

H. 100. To amend Section 22-9-8, Code of Alabama, 1975, as amended, by adjusting fees for certified copies of Vital Statistics records.

Committee on Ways and Means.

By Reps. Cosby, White (G), Flowers, White (F), Mikell, Mathis, Walker, Petelos, Knight, Headley, Moon, Grouby, White (L), McMillan, Burke, Hooper, Fuller, Breedlove, Hammett, Rogers, Adams, Brooks, and McKee:

H. 101. To levy a fee of \$10.00 per ton on operators of commercial sites for the disposal of hazardous waste for each ton of hazardous waste received for disposal at such sites; to define certain terms; to provide for penalties and interest charge for non-compliance, departmental cost for collection, authority for rulemaking, and general record keeping requirements for commercial hazardous waste facility operators; and to provide that the operators of such sites shall pay all such fees levied to the State General Fund.

Committee on Judiciary.

By Reps. Johnson (RG) and Haynes (With Notice and Proof):

H. 102. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sylacauga, in Talladega County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 102, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Payne (With Notice and Proof):

H. 103. Relating to Jefferson County; to amend Section 22, Act 248 of the Legislature of Alabama of 1945, as amended by Act 562, approved October 9, 1947, as amended by Act 670, approved September 16, 1953, as amended by Act 1600 (General Acts of 1971, page 2754), as amended by Acts 679 and 684, approved May 23, 1977, to provide further for remedies for employees dismissed, demoted or suspended.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 103, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Layson (With Notice and Proof):

H. 104. Relating to Pickens County; providing an expense allowance for members of the board of registrars retroactive to October 1, 1985, and providing that such expense allowance shall remain in effect either until September 30, 1991 or until the provisions of Act 88-659 of the 1988 Regular Session are implemented, whichever occurs first, at which occurrence the county governing body shall by resolution either terminate or continue such expense allowance.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 104, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Layson:

H. 105. To amend Section 9-11-257, Code of Alabama 1975, relating to hunting or discharging a firearm within a certain distance of public roads, highways, or railroads, so as to remove certain language regarding hunting and obtaining permission of adjacent landowners, to prohibit hunting or discharging a firearm in certain areas, to provide certain exceptions, and to alter criminal penalties.

Committee on Agriculture,
Forestry and Natural Resources.

By Rep. Layson:

H. 106. To amend Sections 9-13-82 and 9-13-84, Code of Alabama 1975, as amended, which provide for the severance tax on forest products and the distribution of the proceeds thereof, so as to increase said tax and provide further for its distribution.

Committee on Ways and Means.

By Rep. Layson:

H. 107. To provide for cost-of-living increases in the retirement benefits of retired employees of certain public hospitals and related facilities; to provide that the granting of such increases shall be at the option of the county commission of the county in which such hospital or facility existed and the cost thereof shall be paid by such county.

Committee on Ways and Means.

By Reps. Curry, Venable, Headley, Bowling, Mathis, Faulk, Beers, Dillard, Marks, and Box:

H. 108. To provide that any city or municipal council, or any county commission, the members of which are elected from single-member districts,

must reapportion said districts within 120 days of the publication of the 1990 and any subsequent federal decennial census.

Committee on Local Government.

By Reps. White (G), Petelos, Curry, Newton, Beers, Hill, and Knight:

H. 109. To establish the "Alabama Hazardous Substance Cleanup Fund"; to provide that such fund shall be used for the cleanup and restoration of abandoned or inactive sites at which improper disposal of hazardous substances has occurred; to plan and undertake the rehabilitation, removal and cleanup of hazardous substances deposited improperly at sites located within Alabama; to provide that this fund shall be used for sites not qualified for or unlikely to receive funding for cleanup from funds designated for cleanups under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. §§ 9601 et seq.) and to provide state matching funds for cleanups under the Comprehensive Environmental Response, Compensation and Liability Act of 1980; to provide that the fund shall be administered by the Alabama Department of Environmental Management; to direct the Alabama Department of Environmental Management to secure other funds whenever possible.

Committee on Judiciary.

By Rep. Turnham:

H. 110. To authorize the State Board of Health to designate the services rendered by the State and County Health Departments for which fees may be charged and provides for the distribution of the fees.

Committee on Ways and Means.

By Rep. Turnham:

H. 111. To amend section 32-6-8, Code of Alabama 1975, relating to learning permits for drivers' licenses, so as to provide for a four-year learner's license and increase the fees accordingly.

Committee on Ways and Means.

By Rep. Turnham:

H. 112. To amend section 32-1-4, Code of Alabama 1975, to provide that custodial arrest is authorized for certain traffic offenders in order to assure that sufficient bond is given and to delete the provision requiring an immediate hearing upon demand by the offender and impose a minimum fine for failure to appear.

Committee on Judiciary.

By Rep. Burke:

H. 113. To amend further section 36-29-1 of the Code of Alabama 1975, relating to the definition of "employee" under the state employees' health insurance plan, so as to include within the definition any employee who worked at least 10 years for the state highway department in "captive county" circumstances and who was transferred to county employment upon the adoption of article 3A, chapter 1, Title 23, Code of Alabama 1975.

Committee on Ways and Means.

By Reps. Burke and Cosby:

H. 114. To amend Sections 16-25A-5 and 36-29-4, Code of Alabama, 1975, relating to the teachers' and state employees' health insurance plans so as to further provide for prescription drugs.

Committee on State Administration.

By Rep. Harvey:

H. 115. Further providing for service charges of worthless checks for restitution and in the criminal procedure from crimes relating to worthless checks or negotiating a worthless negotiable instrument and notice, so as to increase such charges; amending Section 12-17-224, Code of Alabama 1975, as amended by Act No. 87-565, S. 319, Regular Session 1987, relating to restitution process and service charges for worthless checks; amending Section 13A-9-13.1, Code of Alabama 1975, as amended, relating to the crime of negotiating a worthless negotiable instrument and service charges, and Section 13A-9-13.2, Code of Alabama 1975, as amended, relating to notice of such crime and service charges, so as to increase such service charges.

Committee on Judiciary.

By Rep. Knight:

H. 116. To authorize advance payments for the expenses of members and employees of local boards of education and to prescribe the methods for such advance expenditures.

Committee on Education.

By Rep. Adams:

H. 117. To amend sections 1, 2 and 3 of Act No. 88-599, H. 461, 1988 Regular Session (Acts of 1988, p. 929), providing for a cost-of-living increase to certain retirees who retired under the employees' retirement system prior to October 1, 1987, so as to provide the same increase to those who retire prior to October 1, 1988.

Committee on Ways and Means.

By Rep. Adams:

H. 118. To impose a ban on the development of new commercial hazardous waste treatment or disposal facilities in the state with certain exceptions; to impose an annual limit on the volume of hazardous wastes which may be disposed of at existing commercial hazardous waste treatment or disposal facilities; to provide for an annual reduction in the yearly volume of disposal at facilities; to provide certain definitions; to require certain records to be maintained; and to provide for penalties for violation of the imposed volume limitations.

Committee on Judiciary.

By Rep. McMillan:

H. 119. To amend Section 9-2-14, Code of Alabama 1975, as amended, to provide that the Advisory Board of Conservation and Natural Resources will consist of three ex officio members and eleven members appointed by the Governor as follows: one member shall be chosen from each of the Congressional districts in the State, one member shall be an individual whose

primary livelihood is dependent upon agriculture, one member shall be an individual whose primary livelihood is dependent upon the forestry industry, one member shall be an individual whose primary livelihood is dependent upon the fishing or sea food industry and one member shall be an individual whose primary livelihood is dependent upon or is involved in wildlife management; to provide that the terms of the present appointive members of the said Board will expire on December 31, 1988; to provide for the terms of the appointive members of the said Board; and to provide an effective date.

Committee on Agriculture,
Forestry and Natural Resources.

By Reps. Hooper, Hamilton, Cosby, Dillard, Bowling, McMillan, Turnham, Mikell, Logan, Petelos, Curry, Fuller, Knight, Newton, Perdue, Moon, Kvalheim, McKee, Drake, White (G), and Hammett:

H. 120. To amend section 8-6-3, Code of Alabama 1975, relating to registration of securities dealers and salesmen, so as to increase the fees for registration of dealers and salesmen and to make the fees nonrefundable.

Committee on Ways and Means.

By Rep. McMillan:

H. 121. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Faulk:

H. 122. To propose a self-executing amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Crenshaw County.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Adams (With Notice and Proof):

H. 123. To authorize the county commission of Russell County, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Russell County, on all taxable property situated within said county, an ad valorem tax for public buildings, bridges or roads by an amount which shall not exceed, for any tax year of said county, \$.65 on each one hundred dollars (6-1/2 mills on each dollar) of assessed value and to provide for a referendum.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 123, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Turnham and Higginbotham (With Notice and Proof):

H. 124. To authorize an additional county salary supplement for the District Attorney of the Thirty-Seventh Judicial Circuit; to provide that the provisions of this act shall be effective October 1, 1988.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 124, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Holley:

H. 125. To impose a ban on the development of new commercial hazardous waste treatment or disposal facilities in the state with certain exceptions; to impose an annual limit on the volume of hazardous wastes which may be disposed of at existing commercial hazardous waste treatment or disposal facilities; to provide for an annual reduction in the yearly volume of disposal at existing facilities; to provide certain definitions; to require certain records to be maintained; and to provide for penalties for violation of the imposed volume limitations.

Committee on Judiciary.

By Rep. Holley:

H. 126. To amend sections 16-31-1 and 16-31-4 of the Code of Alabama 1975 relating to the American Legion Scholarships so as to increase the value of the scholarships and to increase the number of scholarships awarded, except for persons currently receiving the scholarships shall remain at the current rate.

Committee on Ways and Means.

By Rep. Holley (With Notice and Proof):

H. 127. Relating to Coffee County, to provide for the salary of the Probate Judge, the Revenue Commissioner and the Sheriff.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 127, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Holley:

H. 128. To further provide for the powers, functions and duties of the Alabama historical commission, so as to include designating, platting and cataloging all cemeteries, whether public or private, nonprofit or otherwise, within the state for historical purposes.

Committee on State Administration.

By Rep. Holley (With Notice and Proof):

H. 129. Relating to Coffee County, to designate the bridge over White Water Creek on Highway 167 the Clowers Bridge and to provide for the preparation and erection of signs.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 129, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Holley:

H. 130. To make appropriations from the general fund of the state treasury for the creation of the "Alabama Hazardous Substance Cleanup Fund"; to provide that such fund shall be used for the cleanup and restoration of abandoned or inactive sites at which improper disposal of hazardous substances has occurred; to plan and undertake the rehabilitation, removal and cleanup of hazardous substances deposited improperly at sites located within Alabama; to provide that this fund shall be used for sites not qualified for or unlikely to receive funding for cleanup from funds designated for cleanups under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §§9601 et seq.; to provide state matching funds for cleanups under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended; to provide that the fund shall be administered by the Alabama Department of Environmental Management; to provide that the sites within the state shall be ranked according to their relative threats and the fund applied to the sites in the order of that ranking; to direct the Alabama Department of Environmental Management to secure other funds whenever possible; to provide for future appropriations to the fund; to provide for civil penalties against violators; to limit the maximum penalty; and to provide that said appropriations shall be supplemental to any and all other funds.

Committee on Judiciary.

By Rep. Holley:

H. 131. To levy fees in the amount of \$100.00 per ton on polychlorinated biphenyl-contaminated soil which is disposed of by landfilling in the state; to provide certain legislative findings, to define certain terms, and to provide for payment of said fees to the General Fund of the State.

Committee on Judiciary.

By Rep. Holley:

H. 132. To levy a fee of \$13.00 per ton on operators of commercial sites for the disposal of hazardous waste or hazardous substances for each ton of hazardous waste or hazardous substance received for disposal at such sites; to define certain terms; to provide for penalties and interest charge for non-compliance, departmental cost for collection, authority for rulemaking, and general record keeping requirements for commercial hazardous waste or hazardous substance disposal facility operators; and to provide that the operators of such sites shall pay all such fees levied to the State General Fund.

Committee on Judiciary.

By Reps. Haynes and Moon:

H. 133. To amend Sections 17-13-7, 17-16-35, 17-16-36, 17-17-2, 17-19-4, and 17-20-3, Code of Alabama, 1975, relating to the reporting of election

results to the secretary of state so as to stipulate that the results will be reported by precincts.

Committee on State Administration.

By Reps. Fuller, Marietta, Box, Coburn, Williams, and Holley:

H. 134. To provide for a civil cause of action against certain employers who take action detrimental to certain defined employees because the employee reports a violation of law or participates in a formal inquiry or court action; to provide for damages and injunctive relief; and to provide a statute of limitations.

Committee on Judiciary.

By Rep. Walker:

H. 135. Relating to pari-mutuel wagering; to provide that any outstanding or unclaimed, uncashed or other pari-mutuel tickets known as "outs" money and "breaks to a dime" on any pari-mutuel wagering shall escheat to the State of Alabama and to provide for the time of said escheatment and remittance.

Committee on Ways and Means.

By Rep. Walker:

H. 136. To provide for and create the Alabama Racing and Wagering Commission for the regulation, licensing and supervision of racing and wagering thereon; to provide for the regulation, licensing and supervision of bingo and all wagering activities; to provide for the composition, appointment, compensation, powers and duties of the Racing and Wagering Commission; to provide for and regulate the pari-mutuel method of wagering within the enclosure of licensed racetracks; and to provide for the licensing of additional racing facilities by legislative act; to provide for a referendum of the voters of the county wherein the facility will be located and to otherwise regulate horse and dog racing within the state; and to regulate the county racing commissions.

Committee on Ways and Means.

By Reps. Hooper, Hamilton, Cosby, Dillard, Bowling, Moon, Burke, McMillan, White (G), Mikell, Flowers, Logan, Gaston, Petelos, Curry, Walker, Fuller, Knight, Buskey (JL), Newton, Perdue, Freeman, Bugg, Drake, Kvalheim, Starkey, Goodwin, McKee, Turnham, Crow, Hammett, Payne, and Turner:

H. 137. To provide for the method of filing applications for allocations of a portion of the "State Ceiling" applicable to tax-exempt bonds; to establish expiration and reversion dates for allocation of "State Ceiling" and conditions subsequent to such allocations; to allocate the entire "State Ceiling" to the State, subject to redistribution by the State Industrial Development Authority; to reserve certain portions of the "State Ceiling" for the use and benefit of Alabama Housing Finance Authority and Alabama Higher Education Loan Corporation; to provide for the allocation of portions of the "State Ceiling" to issuers of small issue bonds for manufacturing facilities and for exempt facility bonds and for the allocation of a portion of the "State Ceiling" at the discretion of the State Industrial Development Authority; to provide a procedure for carryforward allocations; to establish an effective date; to authorize the State Industrial Development Authority to adopt rules and regulations governing the making of allocations; and to designate the president

of the State Industrial Development Authority as the State official authorized to make certain certifications required under the Internal Revenue Code of 1986, as amended.

Committee on Judiciary.

By Reps. Hooper, Hamilton, Cosby, Dillard, Bowling, McMillan, Mikell, Flowers, Logan, Petelos, Turnham, Curry, Walker, Fuller, Knight, Newton, Perdue, Moon, Kvalheim, Drake, White (G), and Hammett:

H. 138. To provide that the alcoholic beverage control board shall under certain conditions audit and collect certain taxes on beer or table wine levied for the benefit of local governing bodies.

Committee on Ways and Means.

By Rep. Kennedy:

H. 139. To authorize the department of human resources to remove certain items of fully depreciated state property which have little or no resale or reuse value to the state from state property inventory by transferring title and ownership of same to purchase of service contractors who will continue to utilize those items in providing needed services to clients of the department of human resources.

Committee on State Administration.

By Rep. Kennedy:

H. 140. To amend Sections 16-28-3, 16-28-4, 16-28-7, and 16-28-9, Code of Alabama, 1975, relating to school attendance, enrollment, and reporting dates so as to change the enrollment cutoff date from October 1 to September 1; to adjust the required reporting dates accordingly; and to change the compulsory attendance age.

Committee on Education.

By Rep. Brooks:

H. 141. To amend Section 31-5-3 of the Code of Alabama 1975, relating to the department of veterans' affairs so as to provide further for the state board of veterans' affairs to include representatives from the Vietnam Veterans' of America membership.

Committee on Military Affairs.

By Reps. Crow, Richardson, Mikell, Breedlove, Willis, Hogan, McKee, Curry, Hooper, Gray, McDowell, Gaston, White (G), Seibels, and Beasley:

H. 142. To amend section 32-7-4, Code of Alabama 1975, relating to fees for abstracts of driving records, so as to increase the fee for an abstract of a driving record from \$4.00 to \$5.50.

Committee on Ways and Means.

By Reps. Walker, Mikell, Hamilton, Dillard, Willis, Mathis, Hogan, McKee, Adams, Breedlove, Layson, Petelos, Cosby, Bugg, Starkey, Headley, Rains, Carter, Venable, Flowers, Curry, Hooper, Fuller, Faulk, Brooks, Hill, and Beers:

H. 143. To provide revenue by levying a 10% privilege tax, less local tax credits, on the gross pari-mutuel pool at any dog race track in the State

of Alabama; to provide for the assessment and collection of such revenues; to amend Section 40-11-5, Code of Alabama 1975, relating to taxes on dog tracks, so as to levy said privilege tax; to confer powers and impose duties on the Department of Revenue; to pledge and appropriate the receipts collected under this act to provide for payment of the principal on, premium, if any, and interest on, all bonds issued by the Alabama Mental Health Finance Authority, as authorized by Act 88-475, to the extent necessary for such purpose; to provide for the distribution of the remaining proceeds of such revenues; and to prescribe penalties for non-compliance.

Committee on Ways and Means.

By Reps. Cosby, Grouby, Laird, Hamilton, Blakeney, Richardson, Flowers, Mikell, Gaston, Mathis, Willis, and Burke:

H. 144. To amend Sections 22-27-3 and 22-27-6, Code of Alabama 1975, which relate to the authority of local governing bodies as to methods of waste collections and disposal, and the time for local government compliance with the solid waste laws so as to provide further for the methods of waste collection and disposal facilities for solid wastes; to grant to the several county commissions and municipalities the power and authority by resolution or ordinance to adopt rules and regulations requiring mandatory public participation in solid waste collection and disposal programs; providing that failure to comply with the provisions of the article by the owner of solid waste generating property shall constitute a public nuisance and providing for the assessment for the cost of such collection and disposal against such solid waste generating property; to provide for the collection of such assessments; to provide that the amounts of such assessments shall be a lien on the property against which they are assessed and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary county taxes; and to amend Section 22-27-7, Code of Alabama 1975, which relates to penalties for violation of the provisions of the article so as to further provide for such penalties.

Committee on Judiciary.

By Rep. Buskey (JL):

H. 145. To provide for observance of all federal holidays by the state and to authorize the Governor to select three additional state holidays.

Committee on State Administration.

By Reps. Buskey (JL) and Rogers:

H. 146. To authorize the city council members of any Class 1, 2 or 3 municipality to establish their own and the mayor's expense allowances.

Committee on Local Government.

By Rep. Knight:

H. 147. To amend Section 35-12-38, Code of Alabama 1975, so as to permit stocks in custodial possession of the state to be sold through an established stock exchange or over the counter at prevailing prices and to permit the redemption of government and corporate bonds that have reached maturity.

Committee on Ways and Means.

By Reps. Turnham, Marks, Warren, Blakeney, Grouby, White (L), Carter, Mikell, Flowers, Richardson, Williams, Logan, Walker, Melton, Junkins, Harvey, Haynes, Higginbotham, Harper, Kennedy, Breedlove, Faulk, Freeman, Drake, Venable, Hammett, Zoghby, Coburn, McMillan, Rains, Burke, Turner, Bowling, Grayson, Buskey (JL), Johnson (RG), Laird, Layson, Clark (W), Bryant, Thomas, Frazier, Poole, Mathis, Willis, Hogan, Fuller, Blake, White (G), Hooper, McKee, Carothers, Marietta, Curry, Beasley, Cosby, Ford, Moon, Perdue, Wright, McClain, Starkey, Goodwin, Seibels, Newman, Gray, Petelos, Spratt, McDowell, Beers, Payne, Hamilton, Campbell, and Penry:

H. 148. To provide that any member of the teachers' or employees' retirement system of Alabama not presently covered by a provision to convert unused sick leave into membership service for purposes of service retirement may do so under the provisions of §36-26-36.1 provided that no employee of an employer participating pursuant to §36-27-6 of the Code of Alabama 1975 shall be entitled to the benefits provided in this act unless such employer elects to come under the provisions of said act.

Committee on Ways and Means.

By Reps. Britnell and Logan:

H. 149. To create and provide for the incorporation, organization and operation of the Alabama water system assistance authority; to prescribe the powers and functions of the said authority as a public corporation; to authorize the authority to make loans or grants to public water systems and to issue bonds; to establish a special "water supply assistance fund"; to provide for a legislative oversight committee to monitor such authority; to provide that the revenues accruing to the Alabama water system assistance authority from bonds issued by such authority shall be deposited in a certain fund to be operated by the Alabama department of economic and community affairs; and to provide for state assistance to and cooperation with community water systems in financing projects that would focus on locating, developing and sustaining adequate potable water supplies for the citizens of this state.

Committee on Health.

By Reps. Poole and Payne:

H. 150. To amend Section 8-8-15, Code of Alabama 1975, which provides for a charge for the issuance of bad checks, so as to provide further for said worthless check charge.

Committee on Judiciary.

By Rep. Laird:

H. 151. To further amend Section 40-12-252, Code of Alabama 1975, as amended, relating to the basis of tax for truck trailers, tractor trailers and semitrailers, so as to authorize a five-year registration option for these vehicles as now permitted for rental utility trailers, and gives the Department of Revenue the authority to develop and promulgate reasonable rules and regulations as needed to administer the provisions of this act.

Committee on Ways and Means.

By Reps. Hamilton, Hooper, Cosby, Dillard, Mikell, Breedlove, Bowling, Marks, Williams, Laird, Richardson, Moon, Grouby, Blakeney, Turner, White (G), White (L), Hammett, McMillan, McKee, Penry, Turnham,

Curry, Petelos, Layson, Wright, Walker, Perdue, Starkey, Goodwin, Beers, Spratt, Hill, Newton, Gray, Adams, Logan, Knight and Willis:

H. 152. To provide for a service fee of \$50.00 per hour payable to the state general fund for the services of any officer or employee of any state department, agency, board or commission who is subpoenaed to furnish testimony in his or her official capacity through depositions or otherwise assists in any civil proceeding in which the employee or department is not a party.

Committee on Ways and Means.

By Rep. Reed:

H. 153. To make appropriations for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Reed:

H. 154. To provide for the appropriation of one million dollars (\$1,000,000.00) from the general fund to the Tuskegee-Macon County Hospital Authority during the 1988-89 state fiscal year for the construction of a public hospital in Macon County.

Committee on Ways and Means.

By Reps. White (G), Beers, Spratt, Seibels, Curry, Logan, Petelos, Newton, Perdue, Gray, McDowell, McClain, and Payne:

H. 155. To make a supplemental appropriation from the Alabama Special Education Trust Fund to the Children's Hospital of Alabama in Birmingham, Alabama, for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Mikell:

H. 156. To create an Alabama "generation-skipping transfer" tax which takes advantage of the state tax credit allowed in computing the federal "generation-skipping transfer" tax, thereby adding revenues to the state of Alabama without increasing the total tax liability of taxpayers.

Committee on Judiciary.

By Rep. Carothers:

H. 157. To amend Section 5-19-4, Code of Alabama 1975, relating to consumer finance, so as to require actuarial method of computation on consumer loans and consumer credit sales with an original term of more than 61 months and to clarify method of refund in all other cases.

Committee on Banking.

By Reps. Carothers, Johnson (RG), Beasley, and Williams:

H. 158. To amend Section 26-16-5, Code of Alabama 1975, relating to meetings of the Child Abuse and Neglect Prevention Board, so as to delete two mandated meeting dates of such Board.

Committee on Health.

By Rep. Payne:

H. 159. To amend Section 32-6-61, Code of Alabama 1975, as amended, to provide that the special license tag or license plate fees provided by Section 32-6-150(a) shall not be prorated, but shall be paid on an annual basis.

Committee on Ways and Means.

By Reps. Hill and Knight (With Notice and Proof):

H. 160. Relating to Shelby County; to provide further for the compensation of certain poll officials and poll workers.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 160, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Payne:

H. 161. To propose an Amendment to the Constitution of Alabama of 1901, to authorize County Commissions and County Sheriff's Departments to prohibit the overgrowth of weeds, the storage and accumulation of junk, inoperable motor vehicles and other litter; to provide for penalties; and to validate certain existing acts prior to the ratification of this Constitutional Amendment.

Committee on Health.

The above bill was read a first time at length as required by the Constitution.

By Rep. Carter:

H. 162. To provide that out-of-court statements made by children under twelve years of age at the time of the proceeding concerning an act that is a material element of any crime involving child sexual abuse, as defined, not otherwise admissible are admissible in a criminal proceeding in certain circumstances; to specify those circumstances; and to define crimes involving child sexual abuse for purposes of this act.

Committee on Judiciary.

By Reps. Johnson (RW), Ford, Junkins, Mikell, Haynes, Walker, Turnham, and Laird:

H. 163. Relating to employment security programs of the Department of Industrial Relations so as to provide for an assessment of 0.06% against wages paid by certain employers for a three-year period beginning January 1, 1989 and ending December 31, 1991; to provide for the collection, appropriation and disbursement of such assessment, and to provide for the establishment of the "Employment Security Administration Enhancement Fund" in the state treasury; to amend Sections 25-4-31, 25-4-54 and 25-4-143, Code of Alabama 1975, as amended, all relating to the Unemployment Compensation Trust Fund, so as to provide for a reduction of 0.06% in the rates of unemployment compensation contributions of certain employers effective for calendar years beginning on January 1, 1989 and ending on December 31, 1991, to provide for the appropriation of this and other revenue

and for the transfer from the clearing account certain moneys into certain separate special funds in the state treasury.

Committee on Business and Labor.

By Reps. Dillard, Logan, Clark (J), Campbell, Marks, Harper, and Carter:

H. 164. To levy an additional state sales and use tax, to provide for the administration of said tax and to provide for the expiration of the tax.

Committee on Ways and Means.

By Rep. Flowers (With Notice and Proof):

H. 165. Relating to Pike County; providing for the mode of construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county commission in relation to the roads, highways, bridges and ferries of Pike County; prohibiting the performance of certain work on private property; providing civil fines for violations; and providing for an effective date.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 165, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Zoghby, Marietta, Buskey (JE), Turner, Kennedy, Gaston, Clark (W), Harper, Kvalheim, and Box (With Notice and Proof):

H. 166. Relating to Mobile County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner upon the expiration of the current terms of office of tax assessor and tax collector; prescribing the powers, duties, and term of office of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Mobile County; repealing conflicting laws; and providing that this act shall become effective only upon the approval of a majority of the qualified electors of Mobile County voting thereon in a referendum election.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 166, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hill (With Notice and Proof):

H. 167. Relating to Shelby County; to further amend Section 7 of Act No. 248, H. 872 of the 1975 Regular Session (Acts 1975) as last amended, relating to the collection and disposition of a special index fee, so as to provide for an increase in such fees and to provide for disposition of the proceeds from the increase.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 167, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Parker (With Notice and Proof):

H. 168. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 168, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Parker (With Notice and Proof):

H. 169. Relating to Morgan County; authorizing and empowering the Morgan County commission and the governing bodies of the incorporated municipalities in such county to regulate and control through the issuance of permits the location of rock quarry blasting operations within the county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 169, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Black (With Notice and Proof):

H. 170. To authorize the Greene County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 170, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Haynes:

H. 171. To establish the Department of Corrections Agricultural Revolving Fund, to provide for its initial funding and to provide for its operation.

Committee on Ways and Means.

By Rep. Slaughter (With Notice and Proof):

H. 172. To authorize the Jefferson County Board of Health to designate services rendered by the health department under its control for which fees may be charged and to establish the appropriate fee for each service; to authorize the Jefferson County Board of Health to charge and collect fees

for services designated pursuant to this act; to provide that all fees established and collected pursuant to this act shall be retained and used by the Jefferson County Board of Health; to provide that all fees established and collected pursuant to this act shall not replace, but shall supplement and be in addition to, any and all federal, state and local funds otherwise provided to the Jefferson County Board of Health; to provide conditions applicable to the establishment and modification of fees authorized pursuant to this act; to authorize the Jefferson County Board of Health to adopt and to alter rules and regulations for the implementation and administration of this act and to provide that fees charged pursuant to this act shall be established, modified and collected in accordance with such rules and regulations; to provide that fees for services shall not be charged to persons unable to pay and to provide for confidentiality in the determination of any person's ability to pay; and to repeal all laws or parts of laws in conflict with this act to the extent applicable to Jefferson County.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 172, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Holmes:

H. 173. Proposing an amendment to Section 65 of the Constitution of 1901, which prohibits any lottery, so as to legalize only a lottery or lotteries or any scheme in the nature of a lottery or lotteries operated by the state; authorizing the establishment of a program for the legalized operation of a lottery or lotteries or scheme in the nature of a lottery or lotteries; and providing for the regulation of such operations.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Holmes:

H. 174. To establish the Alabama Bureau of State Non-racing Lotteries and provide for the administration and operation of a state lottery or lotteries or schemes in the nature of a lottery or lotteries; to establish the Legislative Lottery Oversight Committee and the membership, their appointment, duties and authority; to create the office of the commissioner of the bureau of state lotteries; to prescribe the powers and duties of the bureau and the commissioner, and the appointment, qualifications and compensation for the commissioner; to regulate the licensing of retail outlet agents and the sale of lottery tickets or shares; to provide for the collection of receipts and the distribution of net revenues; for purposes of the general fund, special educational trust fund and medicaid; to make an initial appropriation from the general fund of the state treasury, in the form of a loan, to the bureau of state lotteries for implementing the provisions of this act and to prescribe the manner of repayment of such funds to the said general fund; to require the commissioner to make certain reports to the Governor, the Lottery Advisory Committee, state treasurer and legislature and to prescribe post audits by the state auditor and examiners of public accounts; to require certain state agencies and political subdivisions to provide assistance to the bureau; to require the director of public safety to make investigations in

connection with the lottery operations and to perform other law enforcement activity therefor; to provide that upon certification of expenses, the department of public safety shall be reimbursed for actual expenses from lottery overhead funds; to require contracts be made pursuant to the public bid laws; to prohibit certain persons from purchasing lottery tickets or shares; to proscribe the levying of any state, county or local taxes upon the proceeds of any prize awarded by the state lottery; to prescribe penalties for certain violations and crimes; and to specifically provide that no provision of this act shall be construed to rescind or repeal, in whole or in part, any existing or future constitutional amendment or statute authorizing dog racing, horse racing or charitable bingo.

Committee on Ways and Means.

By Rep. Haynes:

H. 175. This bill provides for an exception to the confidentiality provision of Chapter 11a of Title 22, Code of Alabama 1975, when a potential risk exists in the spread of a contagious disease by authorizing the State Committee of Public Health to establish guidelines for notification of pre-hospital transport agencies, funeral directors, school superintendents and others when indicated. The bill further sets penalties for violation.

Committee on Health.

By Rep. Hettinger: (With Notice and Proof):

H. 176. Relating to the City of Huntsville in Madison County; to authorize the Huntsville Board of Education and the Huntsville City Council to agree to qualify, run for office, and be elected from the same geographical districts, and to allow the said Board and Council to agree to have five or more such districts.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 176, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Payne, Rogers, McClain, Spratt, Newton, Davis, Biddle, and Petelos
(With Notice and Proof):

H. 177. Relating to Jefferson County, providing for a subsistence allowance for certain law enforcement officers.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 177, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Bugg, Junkins, and Ford (With Notice and Proof):

H. 178. Relating to Etowah County; to authorize the probate judge to set the fee for supplying a copy of an instrument; to place the proceeds from the fees in a special fund and provide for its use.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 178, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Bugg, Clark (J), Mathis, Crow, Zoghby, Walker, Headley, Cosby, Moon, Ford, McClain, Davis, McDowell, Reed, Williams, Kennedy, Marietta, Clark (W), Carter, Freeman, Brooks, Hall, Grayson, Junkins, Richardson, Johnson (RW), Turnham, Buskey (JL), Rains, Buskey (JE), Perdue, Bowling, Goodwin, Seibels, White (G), Gray, Hill, McMillan, Haynes, Thomas, Hooper, Breedlove, Petelos, Curry, Britnell, Faulk, Harper, Parker, Bryant, Marks, Beasley, Hogan, Kvalheim, Gaston, Blake, Turner, Hammett, Beers, McKee, Wright, Payne, Frazier, Willis, Venable, Mikell, Newman, Logan, Hettinger, and Rogers:

H. 179. To amend Section 13A-14-2, Code of Alabama 1975, which relates to the Sunshine Law, so as to provide for notice of meetings and to increase the penalties for violations.

Committee on State Administration.

By Reps. Spratt, Seibels, Biddle, Davis, Perdue, Newton, and Payne (With Notice and Proof):

H. 180. Relating to Jefferson County; requiring the county commission to make certain office space provisions in the new Jefferson County Sheriff's Headquarters building located at Eighth Avenue and 22nd Street, North, in the City of Birmingham for certain personnel in the sheriff's department.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 180, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Venable (With Notice and Proof):

H. 181. Relating to Coosa County, providing for an advisory referendum regarding Coosa County Commission members' compensation and the Coosa County Commission chairman's right to vote.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 181, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Penry and McMillan (With Notice and Proof):

H. 182. Relating to Baldwin County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fairhope in Baldwin County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 182, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. White (F) (With Notice and Proof):

H. 183. Relating to Escambia County; there is hereby levied a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of cigarettes in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 183, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. White (G), Petelos, Curry, Newton, Beers, Hill, Knight, and Harvey:

H. 184. The Director of the Alabama Department of Environmental Management is to prepare a State Solid Waste Management Plan; to submit said Plan to the legislature not later than the fifth legislative day of the 1990 regular session; and to place a moratorium on the issuance of permits for the construction of any new sanitary landfills for 24 months after the effective date of this act.

Committee on Health.

By Rep. Brooks:

H. 185. To propose that any person or candidate involved in certain election contests is entitled to make an examination of the ballots cast, given, or rejected in the election and provides the procedures for examination of the ballots cast, given, or rejected.

Committee on Constitution and Elections.

By Reps. Carothers and Johnson (RG):

H. 186. To provide for the establishment and operation of an Alabama Chiropractors' Hall of Fame Board, and to prescribe its powers and duties.

Committee on Health.

By Reps. Carothers, Johnson (RG), Beasley, and Harper:

H. 187. To amend section 40-23-2, Code of Alabama 1975, which provides for a tax on gross receipts on the products of certain businesses, so as to levy a tax upon those persons engaged in the business of issuing, selling, or licensing business establishments, radio stations, television stations, and others in the playing of music.

Committee on Ways and Means.

By Reps. Laird, Drake, White (F), Richardson, Ford, Junkins, Mikell, Johnson (RG), Johnson (RW), Turner, Haynes, Walker, Turnham, Carter,

Beasley, Layson, Bryant, Black, Penry, Carothers, Hammett, Breedlove, Faulk, Williams, and Harvey:

H. 188. To amend sections 25-4-72, 25-4-73, 25-4-76 and 25-4-77, Code of Alabama 1975, relating to the Unemployment Compensation Act effective for weeks within benefit years beginning on and after January 1, 1989, so as to increase maximum weekly unemployment benefits to \$145, compute such weekly benefits on the average of the covered wages paid to an individual during the two quarters of his base period in which such wages were highest.

Committee on Business and Labor.

By Reps. Haynes and Johnson (RG) (With Notice and Proof):

H. 189. Relating to Talladega County, requiring the inspection of all asphalt plants eligible to bid on the sale of asphalt plant mix to the county or any municipality within the county by the highway department.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 189, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. McDowell, Curry, and McClain (With Notice and Proof):

H. 190. Relating to Jefferson County; to continue the office of Assistant Sheriff, Bessemer Division; to prescribe the duties, responsibilities and term; to provide for the appointment, qualifications and compensation of said office; to repeal all conflicting statutes; to provide for severability of the provisions of this act and to prescribe the effective date of such act.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 190, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. McDowell, Curry, McClain, and Newton (With Notice and Proof):

H. 191. To provide for the appointment of a Chief Deputy Tax Collector by the Elected Jefferson County Tax Collector and to provide for compensation, funding and qualifications of said Chief Deputy.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 191, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. McDowell, Curry, McClain, and Newton (With Notice and Proof):

H. 192. To provide for the appointment of a Chief Deputy Tax Collector by the elected Jefferson County Assistant Tax Collector, Bessemer Division, and to provide for compensation, funding and qualifications of said Chief Deputy.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 192, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Parker (With Notice and Proof):

H. 193. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 193, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Flowers (With Notice and Proof):

H. 194. To implement the Pike County Government Modernization Plan; to further provide for the operation of certain county offices; to abolish the offices of tax assessor and tax collector and to merge such functions into a new revenue commissioner and to provide for such officer's qualifications, election procedures, duties, powers and compensation; to remove and transfer duties of chairman of the Pike County Commissioner from the judge of probate to the full-time chairman of the county commission and to provide for the qualifications, election procedures, duties, powers and compensation of such chairman; to provide for the reelection of the tax assessor and tax collector under certain conditions; to further provide for the compensation of the judge of probate; and to provide for the effective dates of this act, which dates shall be specified in different years.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 194, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Newton and Spratt (With Notice and Proof):

H. 195. To amend Act No. 453 of the 1967 Regular Session of the Legislature of Alabama, (1967 Acts of Alabama, page 1129), as amended by Act No. 393 of the 1975 Regular Session of the Legislature of Alabama, said acts providing a pension and relief fund for officers and employees of the library board of any city having a population of three hundred thousand or more according to the last and any subsequent federal census, said act applicable to the officers and employees of the Birmingham Public Library System, to provide for the participation of the employees of the library board who are currently entitled to participate in the unclassified pension relief plan of the City of Birmingham to participate in the Birmingham Library Board Employees Pension and Relief Fund and to provide for related matters.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 195, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Newton and Spratt (With Notice and Proof):

H. 196. To amend section 11-52-32 of the Code of Alabama 1975 relating to planning, zoning and subdivisions, so as to provide further for the planning commissions of Class 1 municipalities to elect no less than three and no more than five of the members thereof to serve as a committee to approve or disapprove any plat presented to such commission.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 196, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Spratt and Newton (With Notice and Proof):

H. 197. To amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended, which created a retirement system for officers and employees in cities of two hundred thousand or more inhabitants according to the latest federal decennial census, so as to provide further for the payments of benefits during periods of re-employment.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 197, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Spratt and Newton (With Notice and Proof):

H. 198. To further amend Act 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945, (general acts of the Legislature of Alabama, pp. 376-400), as heretofore amended, related to creating and establishing in counties having a population of 400,000 or more according to the last or any future federal census, a county-wide civil service system, to provide for the creation of the executive exempt service and related matters as described below and hereby adopted as if set out in full herein.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 198, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. McKee:

H. 199. To provide a five percent cost-of-living salary increase for certain personnel in public education for the fiscal year beginning October 1, 1988.

Committee on Ways and Means.

By Rep. Bryant:

H. 200. To make appropriations for the support and maintenance of the Marion Military Institute for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Reps. Johnson (RG), Carothers, and White (L):

H. 201. This bill amends Section 22-21-24, Code of Alabama, 1975, by increasing the fees for the license for health care facilities.

Committee on Health.

By Reps. Grouby and Faulk:

H. 202. Relating to the further regulation of liquefied petroleum gas and the powers, duties and authority of the Liquefied Petroleum Gas Board; to amend Sections 9-17-100, 9-17-102, 9-17-104, 9-17-106, 9-17-107, 9-17-108 and 9-17-109 of the Code of Alabama 1975, as amended; to amend Sections 9-17-101 and 9-17-105 of the Code of Alabama 1975, as amended by Act No. 88-142 of the 1988 Regular Session; and to provide for administrative remedies with rights to appeal for correcting noncompliance with law and with regulations of the Liquefied Petroleum Gas Board.

Committee on Oil and Gas.

By Rep. Haynes:

H. 203. To levy an additional privilege tax on cigarette papers and to provide for the assessment, collection and distribution of such tax; to confer powers and impose duties on the department of revenue; to prescribe criminal penalties for enforcement; to provide for the distribution of the net revenues from such tax to the forestry commission for fire protection purposes; and to provide the provisions of this act are cumulative.

Committee on Ways and Means.

By Rep. Buskey (JL):

H. 204. Relating to the recall or removal of municipal appointees; to provide for the recall or removal of any person appointed to a position, board, agency or office by a municipal governing body, by a majority vote of the members of such governing body voting for the recall of any such person.

Committee on Local Government.

By Rep. Flowers:

H. 205. To amend Sections 32-8-6, 32-8-7 and 32-8-87, Code of Alabama 1975, relating to the Uniform Certificate of Title and Theft Act, so as to simplify the motor vehicle title transaction fee schedule; to increase certain commissions and fees for services rendered; and to clarify inspection procedures for obtaining titles for rebuilt vehicles.

Committee on Ways and Means.

By Rep. Haynes:

H. 206. To provide for the establishment of a fund from which survivor allowances for spouses of deceased district or supernumerary district attorneys

shall be paid; to provide requirements for eligibility for receipt of such benefits; to provide funding for the proper operations and maintenance of such fund; and to provide for the management of such fund.

Committee on Judiciary.

By Reps. Johnson (RG), Carothers, and White (L):

H. 207. To amend Section 14-1-14 of the Code of Alabama 1975, increasing the Corrections revolving fund to \$40,000.00.

Committee on Ways and Means.

By Rep. Perdue:

H. 208. To authorize the State Board of Health to designate the services rendered by the State and County Health Departments for which fees may be charged and provides for the distribution of the fees.

Committee on Health.

By Reps. Johnson (RG) and Carothers:

H. 209. To amend section 32-6-17, Code of Alabama 1975, relating to driver's license fees, so as to increase the reinstatement fee, to make the fee applicable for each action and to require the licensee, upon reinstatement, to obtain a duplicate license with a new photograph and current personal data to ensure that the records of the department of public safety are kept up-do-date.

Committee on Ways and Means.

By Rep. Hogan:

H. 210. To make appropriations for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Haynes:

H. 211. To make appropriations for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Haynes:

H. 212. To limit the amounts of judgments rendered against state employees, officers, officials and servants of governmental entities as defined herein as a result of acts committed within the line and scope of their employment and to limit such judgments to recovery for those acts involving willful or wanton conduct.

Committee on Judiciary.

By Rep. Haynes:

H. 213. To limit the amounts of judgments rendered against state employees, officers, officials and servants of governmental entities as defined herein as a result of acts committed within the line and scope of their

employment and to limit such judgments to recovery for those acts involving willful or wanton conduct.

Committee on Judiciary.

By Reps. Davis, Hogan, Spratt, Reed, Newton, and Buskey (JL):

H. 214. To amend Section 37-1-80, Code of Alabama 1975, relating to rates charged by public utilities, so as to provide a procedure to be used by the Public Service Commission to determine if the purchase of out of state or foreign coal will alter an electric utility's rates and to prohibit the use of foreign coal to serve certain state facilities.

Committee on Public Utilities and Transportation.

By Rep. Harvey (With Notice and Proof):

H. 215. Relating to Blount County; to provide further for fire districts within this county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 215, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Johnson (RG), Carothers, and White (L):

H. 216. This bill appropriates \$1.5 million to the health department for liability insurance premium grants for family practitioners and obstetricians who are willing to establish a new obstetrical practice in rural or underserved areas. This bill sets the maximum limit of the grant and authorizes the State Board of Health to adjust the amount based on any annual premium increases. This bill defines the criteria for eligibility.

Committee on Ways and Means.

By Rep. Harvey:

H. 217. To make patient abuse and exploitation a felony in certain instances; to mandate requirements to report instances of abuse by applicable professionals and employees of care facilities; to set out the procedure of such reporting; to make it illegal to retaliate against an employee or patient who reports patient abuse; to set out civil and criminal penalties against persons or entities who violate this Act; to impose licensure suspension upon persons or entities convicted of violating this Act; to enable the Attorney General to institute a civil cause of action against applicable persons who fail to properly staff and operate a care facility which results in a crime against a patient.

Committee on Judiciary.

By Reps. Buskey (JL), Kennedy, and Melton:

H. 218. To propose and provide for the submission of an amendment amending Section 71 of the Constitution of 1901 and repealing Section 73 of the Constitution of 1901, so as to provide further for certain appropriations in the general appropriations bill.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Reps. Buskey (JL), Bryant, Hooper, and Melton:

H. 219. To prohibit any state or county inmate from being employed by any district attorney, judge, or sheriff, or any parent, sibling, or child of any district attorney, judge, or sheriff, or for any business one-third or more of which is owned by any district attorney, judge, or sheriff, or any parent, sibling, or child of any district attorney, judge, or sheriff; and to provide a misdemeanor penalty.

Committee on Judiciary.

By Reps. Buskey (JL), Knight, and Curry:

H. 220. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of heating and air conditioning contractors as provided in Sections 34-31-18 through 34-31-34, Code of Alabama 1975, with certain modifications; to amend Sections 34-31-18, 34-31-19, 34-31-21(g), 34-31-24, 34-31-28 and 34-31-31, Code of Alabama 1975, so as to: distinguish the function of install from service and repair; to delete all references to "registered" contractors; to correct an erroneous code subsection reference; and to provide further for the exemption period for taking examinations of the board for certain contractors having at least two years of experience (grandfather clause).

Committee on Health.

By Rep. Box:

H. 221. To provide further for the revision of the guardianship laws of this state by amending Sections 1-106, 1-107, 2-104, 2-309, and 2-313 of the Alabama Uniform Guardianship and Protective Proceedings Act, Act No. 87-590, H. 233, which sections appear respectively as sections 26-2A-6, 26-2A-7, 26-2A-73, 26-2A-138, 26-2A-142, and 26-2A-8 of the Code of Alabama 1975.

Committee on Judiciary.

By Rep. Buskey (JL):

H. 222. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of heating and air conditioning contractors as provided in Sections 34-31-18 through 34-31-34, Code of Alabama 1975, with certain modifications; to amend Sections 34-31-18, 34-31-19, 34-31-21(g), 34-31-24, 34-31-28 and 34-31-31, Code of Alabama 1975, so as to: distinguish the function of install from service and repair; to delete all references to "registered" contractors; to correct an erroneous code subsection reference; and to provide further for the exemption period for taking examinations of the board for certain contractors having at least two years of experience (grandfather clause).

Committee on Health.

By Rep. Hettinger:

H. 223. To amend section 16-11-2, Code of Alabama 1975, relating to city boards of education, so as to provide that any elected city board of education and the elected city council for the same municipality may agree

to qualify, run for office, and be elected from the same geographical districts, and may agree to have five or more such districts.

Committee on Local Government.

By Rep. Hogan:

H. 224. To amend Section 36-1-6.1 of the Code of Alabama 1975, relating to insurance coverage for state employees or agents of the state, so as to provide that such coverage includes individuals serving as foster parents approved by the Department of Human Resources.

Committee on Ways and Means.

By Rep. Breedlove:

H. 225. To propose an amendment to the Constitution of Alabama of 1901, relating to fire protection districts in Washington County, so as to provide for the levy and collection of certain additional property tax for fire protection in said county.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Reps. Breedlove, Mikell, Hamilton, Knight, Hammett, and Cosby:

H. 226. To amend Sections 27-4-4 and 27-4-5, Code of Alabama 1975, so as to delete provisions allowing insurance companies to deduct examination expenses from premium taxes.

Committee on Insurance.

By Rep. Perdue:

H. 227. To exempt the Jimmie Hale Mission in Birmingham, Alabama, from the payment of all state, county and municipal sales and use taxes.

Committee on Ways and Means.

By Rep. Perdue (With Notice and Proof):

H. 228. To amend Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, approved September 18, 1973, as amended, to provide for the participation of the unclassified employees of the City of Birmingham in the retirement and relief system of the City of Birmingham and to provide for related matters.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 228, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Perdue (With Notice and Proof):

H. 229. Relating to Jefferson County; to amend Article VI of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), relating to the extraordinary disability benefits of the City of Birmingham Retirement and Relief System, so as to provide that extraordinary disability benefits shall

not be paid to any participant who joins the system on or after January 1, 1989, during any period that a disabled participant is able to perform other duties in his job classification or the customary duties of another job with that participant's employer, which duties or job has been offered to participant and which job pays a salary or wage equal to or greater than the salary or wage such participant was earning at the time of the incident causing the disability, and to provide that, for injuries occurring after January 1, 1989, the Board of Managers may waive the one-year limitation and grant an application for extraordinary disability allowance if granted within thirty-six months after the incident resulting in such disability.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 229, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Clark (W) and Buskey (JE) (With Notice and Proof):

H. 230. Relating to the City of Prichard in Mobile County; limiting the number of city council members on the water works and sewer board to no more than two.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 230, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hettinger (With Notice and Proof):

H. 231. Relating to Madison County; to exempt from all county, local or municipal ad valorem taxes all property owned and used by the Huntsville Land Trust, Incorporated.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 231, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Perdue:

H. 232. To amend Section 17-3-10, Code of Alabama 1975, which provides for the restoration of the right to vote upon granting of a pardon by the state board of pardons and paroles, so as to provide for the restoration of the right to hold elective office upon granting such pardon.

Committee on Judiciary.

By Rep. Hettinger:

H. 233. To impose an excise tax on illegal possession, distribution, sales, use and other transactions involving certain drugs or controlled substances and to provide for disposition of the proceeds of the tax; and to provide for criminal penalties for violating this act.

Committee on Ways and Means.

By Rep. Lindsey:

H. 234. To provide for revisions to the Code of Alabama 1975, dealing with ad valorem taxation, so as to offer equity and equalization in administration of ad valorem taxes, by amending the following code sections successively: Section 40-7-23, Code of Alabama 1975, as amended, to establish requirements under which a taxpayer may avoid the statutory ten percent penalty normally assessed on escaped tangible personal property ad valorem taxes, for the tax years ending on or before September 30, 1988, and to waive, upon the taxpayer's fulfilling the requirements of Section 40-7-23, the taxpayer's ad valorem tax liability on tangible personal property so assessed for the tax years ending on or before September 30, 1987; Sections 40-7-1, 40-8-1, 40-11-1, 40-12-240, 40-12-255 and 40-12-256, Code of Alabama 1975, to provide for assessment and payment of ad valorem taxes by owners of mobile homes the same as other real property and personal property owners, to identify the class of assessment for travel trailers, to eliminate the requirement for owners of mobile homes to purchase a license tag and pay the \$3.00 registration fee, to provide for the uniform identification and assessment of mobile homes, to authorize the commissioner of revenue to require that certain mobile home and ad valorem tax information be reported by real property owners on forms and through procedures prescribed by the commissioner of revenue, to require proof of assessment to be furnished by the mobile home owner to the public utility companies before the utility companies shall connect service, to authorize the commissioner of revenue to promulgate rules and regulations necessary to carry out the provisions of this act and to make certain grammatical and clarifying changes; Sections 40-5-9, 40-10-21, 40-10-75, 40-10-76, 40-10-77, 40-10-83, 40-10-121, 40-10-122, and 40-10-132, Code of Alabama 1975, to increase the interest rate on delinquent ad valorem taxes and on taxes paid upon redemption; and by amending Section 40-7-21, Code of Alabama 1975, establishing the class of misdemeanor for failure or refusal to provide information deemed essential to assessment of property and to authorize proper authority to audit, examine, and inspect records and property, as needed, to enforce the assessment and collection of ad valorem taxes.

Committee on Ways and Means.

By Rep. Dillard (With Notice and Proof):

H. 235. Relating to Lawrence County, providing for an advisory referendum election relating to the manner of electing the members of the county commission.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 235, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Hooper, Petelos, and Crow:

H. 236. To amend Section 20-2-80, Code of Alabama 1975, to provide an additional criminal penalty for possessing a firearm during the commission of any act proscribed by Section 20-2-80, Code of Alabama 1975.

Committee on Judiciary.

By Rep. Dillard:

H. 237. Providing for officers for industrial development corporations organized under the authority of Chapter 20 of Title 11 of the Code of Alabama 1975.

Committee on Local Government.

By Reps. Venable and Higginbotham:

H. 238. To require county governing bodies to establish precincts, wards and voting districts based on clearly visible, definable and observable physical boundaries based on U. S. Census Bureau criteria not later than March 15, 1989; to provide for participation by Alabama in programs of the Census Bureau for census data for purposes of reapportionment; to define terms; to require the counties to provide and maintain maps of said precincts, wards and voting districts to the probate judge, board of registrars and the secretary of state; to provide for the maximum number of voters in voting districts; to provide for the designation of places of voting; to require the certification of lists of eligible voters by the probate judge; to provide for boxes and machines for elections; to provide for the posting of boundaries of precincts, wards or voting places and for the changing of precinct, ward and voting district boundaries and changes in places of voting; to provide for the enforcement of this act; to provide that the Reapportionment Task Force shall be the official state liaison between the state, the counties and the U. S. Census Bureau for purposes of implementing the provisions of this act; to require cooperation by all county, municipal and state agencies and officials with the Reapportionment Task Force; and to specifically supersede and repeal Sections 17-5-1 through 17-5-13, Code of Alabama 1975, effective March 15, 1989.

Committee on Judiciary.

By Reps. Venable and Poole:

H. 239. To amend further section 17-4-156, Code of Alabama 1975, as amended, relating to meeting days of the boards of registrars, so as to provide further for such meeting days and to provide an effective date.

Committee on Constitution and Elections.

By Reps. Penry, Marietta, Zoghby, and Box:

H. 240. To amend Section 41-9-341, Code of Alabama, 1975, which relates to reimbursement of expenses of members of the USS Alabama Battleship Commission, so as to allow members to be reimbursed for actual expenses incurred from funds of the Commission and to amend Section 41-9-349, Code of Alabama, 1975, which relates to the powers of the USS Alabama Battleship Commission, so as to authorize the Commission to lease certain of its lands in furtherance of the purposes for which the Commission was organized.

Committee on State Administration.

By Rep. Dillard:

H. 241. To amend Section 11-20-36 of the Code of Alabama 1975, relating to boards of directors of industrial development corporations, so as to provide further for such directors.

Committee on Local Government.

By Rep. Hammett (With Notice and Proof):

H. 242. To alter or rearrange the boundary lines of the City of Andalusia, Covington County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Covington County, Alabama.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 242, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hammett (With Notice and Proof):

H. 243. Relating to Covington County; providing for the collection of municipal and/or county vehicle use tax on vehicles purchased from out-of-state dealers or Alabama dealers who failed to collect municipal and/or county sales taxes at the time of sale; and providing for the disposition of the proceeds.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 243, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harper:

H. 244. To make an appropriation of \$20,000 from the State General Fund to Fort Payne Depot for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 245. To make an appropriation of \$50,000 from the State General Fund to Desoto Commission for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 246. To make an appropriation from the State General Fund to the Wallace Industrial Air Park for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 247. To make an appropriation of \$5,000 from the State General Fund to Lee County Historical Society and Museum for the fiscal year

ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 248. To make an appropriation from the State General Fund to the Mountain Lakes Tourist Association for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Harper:

H. 249. To make an appropriation from the State General Fund to the W.C. Handy Property Board for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 250. To make an appropriation from the State General Fund to the Mallard Fox Creek Port and Industrial Park for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 251. To make an appropriation of \$20,000 from the State General Fund to Brierfield Ironworks for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 252. To make an appropriation of \$75,000 from the State General Fund to Alabama Travel Council for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 253. To make an appropriation of \$200,000 from the State General Fund to Fort Gaines for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 254. To make an appropriation from the State General Fund to the Childrens Hands On Museum in Tuscaloosa for the fiscal year ending

September 30, 1989 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 255. To make an appropriation of \$30,000 from the State General Fund to Helen Keller Property Board for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Harper and White (G):

H. 256. To make an appropriation of \$50,000 from the State General Fund to the Southern Museum of Flight for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 257. To make an appropriation of \$30,000 from the State General Fund to the Pea River Historical Society for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Reed:

H. 258. To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of Tuskegee Institute (Tuskegee University) for the state fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Reps. Turnham and Higginbotham (With Notice and Proof):

H. 259. Relating to Lee County; levying a lodging tax, providing for the collection and distribution of said tax, and establishing the "Auburn-Opelika Convention and Visitors Bureau."

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 259, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Escott:

H. 260. To amend Section 27-2-21 of the Code of Alabama 1975, relating to examinations of insurers and surplus line brokers so as to provide further that insurers authorized by the State of Alabama may satisfy examination requirements by furnishing the Commissioner of Insurance a copy of report of audit/examination prepared annually or triannually by a certified public

accounting firm based on statutory accounting practices permitted by the National Association of Insurance Commissioners.

Committee on Insurance.

By Rep. Escott:

H. 261. To repeal Section 27-2-25, Code of Alabama 1975, as amended, thereby terminating the authority and practice of the State Department of Insurance to charge the expenses related to examinations of authorized insurers and insurers seeking licensing by the state; and to provide for the termination of the revolving fund created by Section 27-2-25, and to provide for the disposition of any funds remaining therein on the effective date of this act.

Committee on Insurance.

By Rep. Escott:

H. 262. To amend Section 27-2-21 of the Code of Alabama 1975, relating to examinations of insurers and surplus line brokers so as to provide further that insurers authorized by the State of Alabama may satisfy examination requirements by furnishing the Commissioner of Insurance a copy of report of audit/examination prepared at least triannually by a recognized public accounting firm or an examiner qualified by N. A. I. C. standards based on statutory accounting practices permitted by the National Association of Insurance Commissioners.

Committee on Insurance.

By Rep. Escott:

H. 263. To provide that in addition to the definitions and authorizations contained in Sections 27-30-1; 27-30-31; 27-30-33, Code of Alabama 1975, Mutual Aid Associations may provide insurance policies and contracts as are authorized domestic life and disability insurers pursuant to Chapter 3 of Title 27, Code of Alabama 1975, as amended, subject to the paid-in capital restrictions upon policy or contract limits.

Committee on Insurance.

By Reps. Blakeney and Black (With Notice and Proof):

H. 264. To authorize the Choctaw County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 264, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. McMillan and McKee:

H. 265. Relating to the department of mental health and mental retardation; to designate the department as a special school district within the

state; to designate a position of superintendent of education for the special district with responsibility for administering the education program of the department of mental health and mental retardation in conjunction with its commissioner; to provide for the qualifications and the filling of the superintendent's position and providing for the duties and responsibilities for the superintendent; to provide for a funding formula and policy for the district; to provide that the superintendent of the newly created school district shall bear the same relationship to the state board of education and the state superintendents as do county boards of education and county superintendents; and to provide that the provision of this Act shall be construed in pari materia with Title 22, Chapters 50 through 53, Code of Alabama 1975, and shall supersede and repeal such provisions of law only to the extent there exists a conflict herewith.

Committee on Ways and Means.

By Rep. Britnell:

H. 266. Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of a Franklin County Water Coordinating and Fire Prevention Authority by a general or a local act of the Legislature.

Committee on Local Government.

The above bill was read a first time at length as required by the Constitution.

By Rep. Adams:

H. 267. Relating to cemeteries; to authorize counties and municipalities to expend public money to preserve and protect abandoned cemeteries.

Committee on Ways and Means.

By Rep. Buskey (JE):

H. 268. To amend Section 16-13-13, Code of Alabama 1975, pertaining to classroom instructional supplies, material and equipment, excluding furniture and fixtures so as to require that funds expended for said instructional supplies shall be spent only for said purpose except during years of declared proration, and if proration is declared and subsequently lifted or removed, then funds for such instructional supplies must be spent as appropriated.

Committee on Ways and Means.

By Reps. Johnson (RG) and Haynes (With Notice and Proof):

H. 269. Relating to Talladega County; to provide for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 269, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Kvalheim:

H. 270. To amend Section 40-13-8, Code of Alabama 1975, as amended, so as to provide that the excise and privilege tax on coal shall terminate at the latest of the final maturity, redemption of and payment of all accrued interest on (i) bonds issued by the Alabama State Docks Department pursuant to Act No. 64 enacted at the 1971 First Special Session of the Legislature of Alabama, (ii) any obligations issued to refund any of the bonds issued pursuant to that Act or (iii) any obligations issued to refund any obligations described in clause (ii).

Committee on Ways and Means.

By Rep. Kvalheim:

H. 271. To empower certain federal law enforcement officers to enforce the laws of this State and to arrest persons violating said Laws.

Committee on Judiciary.

By Rep. Kvalheim:

H. 272. To authorize the Bureau of Vital Statistics to collect certain statistical data relating to the termination of pregnancies at any stage without identifying the patient by name. Further requiring certain facilities and physicians to report the required data.

Committee on Health.

By Rep. Kvalheim:

H. 273. To amend Sections 16-6A-12 and 16-6A-13, Code of Alabama 1975, which provide for the Educational Reform Act of 1984, so as to provide further for eligibility for and repayment of scholarship loans for teacher education programs in critical needs areas.

Committee on Ways and Means.

By Rep. Kvalheim:

H. 274. To amend Section 40-18-52 of the Code of Alabama 1975, relating to the confidentiality of income tax returns and income tax information; so as to increase the punishment to a felony for violation of the confidentiality of income tax returns and income tax information.

Committee on Judiciary.

By Rep. Kvalheim:

H. 275. To authorize the department of human resources to remove certain items of fully depreciated state property which have little or no resale or reuse value to the state from state property inventory by transferring title and ownership of same to purchase of service contractors who will continue to utilize those items in providing needed services to clients of the department of human resources.

Committee on State Administration.

By Reps. Breedlove, Hamilton, Knight, Hammett, Cosby, and Laird:

H. 276. To provide for the department of public safety to furnish criminal history record searches of convictions within the state of Alabama whenever allowed by law and to establish a fee for providing the same.

Committee on Ways and Means.

By Rep. Kvalheim:

H. 277. Relating to education; providing for certain non-voting ex officio positions on the state board of education and on the boards of trustees of the several four-year state colleges and universities; prescribing the manner by which such ex officio positions shall be filled and the terms of such positions and providing that such ex officios shall receive certain mileage and per diem on meeting days.

Committee on Ways and Means.

RESOLUTION

The following resolution was introduced:

By Rep. Buskey (JL):

H. J. R. 69. COMMENDING MR. AND MRS. OLIVER FENISON ON THEIR 70TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the 70th wedding anniversary, August 14, 1988, of Mr. and Mrs. Oliver Fenison of Montgomery, Alabama; and

WHEREAS, in the sight of God, Oliver Fenison and Rachel Boyd were joined in wedlock on August 14, 1918, and these two fine people, forsaking all others, have remained in said holy state for the past 70 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows, setting an example to be emulated by all others who, in marriage, pledge themselves to one another until parted by death; and

WHEREAS, of this union, were born sixteen children who have been the beneficiaries of their parents' wisdom and love and, above all, their strong, positive Christian character; and

WHEREAS, their sons and daughters have all been highly successful in life, as have their grandchildren, and in many business and professional fields; and

WHEREAS, for the past 27 years, the Fenison family have met annually to honor and revere their parents and, this year, the reunion was held on the occasion of their 70th wedding anniversary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Montgomery, Alabama, Mr. and Mrs. Oliver Fenison, and wish them many more happy years together in their union so richly blessed by God.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. and Mrs. Fenison that they may know of our congratulations and warm best wishes for the future.

On motion of Rep. Buskey (JL), the rules were suspended and the resolution, H. J. R. 69, was adopted.

RECESS

On motion of Rep. Campbell, the House recessed until 6:30 o'clock p.m.

JOINT SESSION

The hour of 6:30 o'clock p.m. having arrived and pursuant to the resolution, H. J. R. 2, heretofore adopted, the Senate and the House of Representatives met in the Hall of the House of Representatives for the purpose of hearing an address by the Honorable Guy Hunt, Governor of the State of Alabama.

The session was called to order by Honorable Jim Folsom, Jr., Lieutenant Governor and presiding officer of the Senate.

His Excellency, Guy Hunt, Governor of the State of Alabama, appeared before the Joint Session and delivered his address to the members of the Legislature.

The Lieutenant Governor and presiding officer of the Senate announced that the purpose of the Joint Session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

RESOLUTION

The following resolution was introduced:

By Reps. Hettinger, Hall, Freeman and Grayson:

H. J. R. 70. SUPPORTING THE ESTABLISHMENT OF A NATIONAL CEMETERY IN NORTH ALABAMA/MADISON COUNTY.

WHEREAS, burial in a National Cemetery is authorized, on a space available basis, for any deceased veteran of wartime or peacetime service who was discharged under conditions other than dishonorable; and

WHEREAS, burial for spouses, and, in some cases, a veteran's unmarried children, is also available; and

WHEREAS, the veteran population in Madison, Morgan, Lauderdale, Marshall, Jackson, and Limestone Counties now exceeds 57,000; and

WHEREAS, in allowance for 75% of the veteran population being married adds an additional 42,000 people as candidates for interment in a National Cemetery; and

WHEREAS, by considering the transferal of bodies from other locations or other cemeteries, and the number of active duty military personnel in the area, approximately 11,400 additional spaces could be needed; and

WHEREAS, the average age of wartime veterans—WW I exceeds 90; WW II, 69; Korea, 56; and Vietnam, 40—will cause the burial rate to increase within the next 10 to 15 years; and

WHEREAS, the nearest National Cemetery to this area is Chattanooga, Tennessee, with 61,000 available spaces; and

WHEREAS, the nearest National Cemetery in Alabama is near Phenix City which is 250-300 miles from North Alabama; and

WHEREAS, the major veterans organizations (DAV, VFW, American Legion, and EX POW), assembled in state convention during June 1988, passed resolutions supporting the establishment of a National Cemetery in North Alabama/Madison County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join such organizations as the DAV, VFW, American Legion and EX POW, in supporting the establishment of a National Cemetery in North Alabama/Madison County.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Veterans Administration and to Alabama's Congressional Delegation in Washington, D.C.

On motion of Rep. Hettinger, the rules were suspended and the resolution, H. J. R. 70, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator deGraffenried:

S. J. R. 2. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a joint session of the House and Senate be held at 6:30 P.M. on August 30, 1988, for the purpose of hearing the message of the Honorable Guy Hunt, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the Senate, to be named by the Presiding Officer of the Senate, and three from the House, to be named by the Speaker of the House, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said committee also serve as a Committee to escort the Governor to the House for the joint session.

And the President and Presiding Officer of the Senate appointed as committee on part of the Senate to notify the Governor, Senators Hand, Hale, and Bedsole.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Campbell, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 2, set out in the above and foregoing Message from the Senate.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House Reps. White (G), Gaston and Petelos.

ADJOURNMENT

On motion of Rep. Turnham and pursuant to the resolution, H. R. 3, heretofore adopted, the House adjourned until 6:00 o'clock p.m., Wednesday, August 31, 1988.

SECOND DAY

House of Representatives
Montgomery, Alabama
Wednesday, August 31, 1988

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Willie J. Paul, Pastor, St. Stephen's Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Joseph Jackson.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the first legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the first legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the first legislative day was approved.

H. 151 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 151, from the Standing Committee on Ways and Means to the Standing Committee on Business and Labor.

H. 96 RE-REFERRED

On motion of Rep. Ford, the Speaker re-referred the bill, H. 96, from the Standing Committee on Ways and Means to the Standing Committee on Banking.

REPORT FILED

The report of the State Judicial Compensation Commission created by Section 6.09 of Article VI of the Constitution of Alabama was submitted, as adopted, to the Alabama Legislature, and the report was ordered filed.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Campbell:

H. R. 71. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Wednesday, August 31, 1988, we adjourn to meet again on Thursday, September 1, 1988, at 9:30 A. M.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. R. 71, was adopted.

Also:

By Rep. Layson:

H. J. R. 72. COMMENDING TONY KLOSTERMANN OF REFORM, ALABAMA, FOR DISTINGUISHED VOLUNTEER SERVICE.

WHEREAS, in a desire to recognize our State's distinguished young citizens, the Alabama Legislature records with commendation the selection of Tony Klostermann of Reform, Alabama, as the Tuscaloosa Veterans Administration Medical Center's most outstanding summer youth volunteer; and

WHEREAS, the son of Mr. and Mrs. James A. Klostermann and a student at Pickens County High School, Tony was chosen for this signal honor from among 35 teenage program participants, and will now compete with other center nominees, nationwide, for the prestigious James H. Parke Memorial Youth Award to be bestowed in October 1988; and

WHEREAS, Tony Klostermann is indeed to be praised for the dedication of his work at the Tuscaloosa Center during 170 volunteer hours of clerical and patient contact duties, and for a maturity that far surpasses his young years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Tony Klostermann for outstanding volunteer service with the Tuscaloosa VA Medical Center, and most particularly for his compassion and concern for those he served with kindness, patience and good cheer.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Klostermann that he may know of our sincere admiration and best wishes for every future success in life.

On motion of Rep. Layson, the rules were suspended and the resolution, H. J. R. 72, was adopted.

Also:

By Rep. Flowers:

H. J. R. 73. COMMENDING STATE HEALTH OFFICER, DR. CLAUDE EARL FOX.

WHEREAS, the Alabama Department of Public Health administers a Federal Supplemental Nutrition Program known as the Women, Infants and Children Program which serves over 76,000 Alabamians each year; and

WHEREAS, this program provides nutritious food for pregnant women and for their children, up to five years of age; and

WHEREAS, this food is an important component in Alabama's fight against infant mortality; and

WHEREAS, Dr. Claude Earl Fox, the State Health Officer, has developed an innovative program whereby a rebate system is negotiated with manufacturers of infant formula; and

WHEREAS, this rebate will result in savings of approximately \$30,000,000 to the State of Alabama during the 38-month contract period, thereby increasing the number of women, infants and children served by some 15,000 to 20,000 more, each month, during the contract period; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Dr. Claude Earl Fox for his leadership in the implementation of this rebate system relative to the Women, Infants and Children Program.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to State Health Officer, Dr. Claude Earl Fox.

On motion of Rep. Flowers, the rules were suspended and the resolution, H. J. R. 73, was adopted.

H. 184 RE-REFERRED

On motion of Rep. Carothers, the Speaker re-referred the bill H. 184, from the Standing Committee on Health to the Standing Committee on Judiciary.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Hammett, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry,

Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby:

H. J. R. 74. COMMENDING W. F. (NOOPIE) COSBY, JR., OF SELMA, ALABAMA, LEGISLATIVE CONSERVATIONIST OF THE YEAR.

WHEREAS, our friend and colleague, W. F. (Noopie) Cosby, Jr., has served since 1978 as a very able and effective member of the Alabama House of Representatives, and his proficiency has been recognized through numerous honors and distinctions including nomination for the 1984 Award of Merit as Outstanding Legislator, 1977 Selma Jaycee of the Year, 1985-1986 Man of the Year, and in April 1988, received the Alabama Travel Council's Award of Excellence; and

WHEREAS, in further distinction, Representative Cosby has now been named Legislative Conservationist of the Year by the Alabama Wildlife Federation in recognition of his ongoing efforts to defeat legislation that would adversely affect wildlife conservation throughout the State; and

WHEREAS, Mr. Cosby, during the past ten years, has indeed evidenced his concern for wildlife conservation, and unyielding to the pressure of political expediency, has remained steadfast in his opposition to anticonservation legislation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend our friend and colleague, Representative Noopie Cosby, for outstanding service to his constituents in House District 70, to the State of Alabama and to all citizens thereof.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Cosby and that copies also be provided for his son, Drayton, and daughter, Mary Alise.

On motion of Rep. Hammett, the rules were suspended and the resolution, H. J. R. 74, was adopted.

Also:

By Reps. Hammett, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Logan, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby:

H. J. R. 75. COMMENDING W. F. (NOOPIE) COSBY, JR., RECIPIENT OF THE ALABAMA TRAVEL COUNCIL'S AWARD OF EXCELLENCE.

WHEREAS, in continuing contributions and achievement, Representative Noopie Cosby has served with great distinction since 1978 as a member of the Alabama House of Representatives; and

WHEREAS, a graduate of Marion Military Institute and Livingston State University, Mr. Cosby, even prior to his election to the Legislature, was a well-established community leader who served on the Marion Institute Alumni Board of Directors and through membership and involvement in the activities of the Selma Jaycees, the Alabama and Dallas County Cattlemen's Associations and the First Baptist Church of Selma; and

WHEREAS, Representative Cosby has continued to broaden his areas of expertise as a legislator, and has provided statewide leadership through assignment to such committees as Insurance, Banking, Commerce and Industrial Development and Education; and

WHEREAS, he further is the recipient of many awards attesting to the consecration of his energies to the good of community and state, and among the latest of these is the Alabama Travel Council's Award of Excellence; and

WHEREAS, Representative Cosby was recognized for his efforts to secure funding for the renovation of Sturdivant Hall and other local tourism projects; he also was cited for his instrumentality in establishing a legislative committee to study the uses of Cahaba, Alabama's first capital, and to later secure land acquisitions and funding for the project; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in pride of his accomplishments and in acknowledgement of his many contributions to our State, we hereby commend W. F. (Noopie) Cosby, Jr., of Selma, Alabama, whom we hold in highest regard and to whom a copy of this resolution shall be presented.

BE IT FURTHER RESOLVED, That copies of this resolution also be provided for Mr. Cosby's children, Drayton and Mary Alise.

On motion of Rep. Hammett, the rules were suspended and the resolution, H. J. R. 75, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Starkey, Goodwin and Hamilton:

H. R. 76. COMMENDING WILLIAM B. DUNCAN OF FLORENCE, ALABAMA, FOR DISTINGUISHED SERVICE TO LAUDERDALE COUNTY.

Also:

The following resolution was introduced:

By Reps. Starkey, Goodwin and Hamilton:

H. J. R. 77. COMMENDING WILLIAM B. DUNCAN OF FLORENCE, ALABAMA, FOR DISTINGUISHED SERVICE TO LAUDERDALE COUNTY.

WHEREAS, the imminent retirement of William B. Duncan of Florence, Alabama, brings to a close his distinguished career, since 1959, to Lauderdale County and to all citizens thereof; and

WHEREAS, William B. Duncan, who is a graduate of Central High School in Florence, also is an alumnus of Florence State Teachers College and Cumberland University in Lebanon, Tennessee, and is a distinguished military veteran who served with the United States Marine Corps during World War II; and

WHEREAS, he also is former Chief Clerk for the Lauderdale County Judge of Probate Office, having served in said capacity from 1959 until 1971; since that date he has held the office of Probate Judge, through election in 1970 and through subsequent reelection in 1976 and 1982; and

WHEREAS, Judge Duncan further holds a distinguished record of professional, community and civic involvement through membership and high office in such organizations as the Central Civitan Club, Post #11 American Legion, Northwest Council of Local Governments, Eliza Coffee Memorial Hospital Board of Governors, Muscle Shoals Technical College Advisory Board, Association of Probate Judges of Alabama, the Masonic Order and The United Methodist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Judge William B. Duncan of Florence, Alabama, for distinguished service to community, state and nation, and do further direct that he receive a copy of this resolution, executed in praise of outstanding achievement and with warm best wishes for every future success and happiness in life.

On motion of Rep. Starkey, the rules were suspended and the resolution, H. J. R. 77, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Flowers:

H. R. 78. HONORING OUR COLLEAGUE, JOE FORD OF GADSDEN, AND DESIGNATING HIM AS THE MOST EFFECTIVE MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES FOR 1988.

Also:

By Rep. Ford:

H. R. 79. HONORING OUR COLLEAGUE, STEVE FLOWERS OF TROY, AND DESIGNATING HIM AS THE HARDEST WORKING MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES FOR 1988.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Laird (With Notice and Proof):

H. 278. Relating to Randolph County, repealing Act No. 88-328, H. 857, enacted in the Regular Session of 1988, allowing the Randolph County Health Department to set fees for service.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 278, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Box:

H. 279. To amend Sections 10-2A-114, 10-2A-116, 10-2A-180, 10-2A-183, 10-2A-191, 10-2A-260, 10-2A-261, 10-2A-281 and 10-2A-282, Code of Alabama, 1975, so as to create the Secretary of State Corporations Fund, to provide for fees relating to corporations, to provide that the Secretary of State be provided copies of certain corporations filings, and to provide an appropriation from the Secretary of State Corporation Fund for the fiscal year 1988-89.

Committee on Ways and Means.

By Rep. Mathis:

H. 280. Proposing an amendment to the Constitution of 1901, as amended, relating to the legislative process for considering the major appropriations bills for the operations of education, the operations of the executive, legislative and judicial branches of state government, the state public debt, and the other business of state government and setting a time frame therefor; and repealing Amendment No. 448 to the Constitution of 1901, as amended, Act No. 81-889, S. 32, First Special Session 1981 (Acts 1981, First, Second and Third Special Sessions, p. 25) relating to the legislative process for certain appropriations.

Committee on Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Reps. Williams and Flowers (With Notice and Proof):

H. 281. Relating to Dale County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Dale County; repealing conflicting laws; and prescribing the effective date of this act.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 281, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harvey:

H. 282. Further providing for service charges of worthless checks for restitution and in the criminal procedure from crimes relating to worthless checks or negotiating a worthless negotiable instrument and notice, so as to increase such charges; amending Section 12-17-224, Code of Alabama 1975, as amended by Act No. 87-565, S. 319, Regular Session 1987, relating to restitution process and service charges for worthless checks; amending Section 13A-9-13.1, Code of Alabama 1975, as amended, relating to the crime of negotiating a worthless negotiable instrument and service charges, and Section 13A-9-13.2, Code of Alabama 1975, as amended, relating to notice of such crime and service charges, so as to increase such service charges.

Committee on Judiciary.

By Rep. Headley (With Notice and Proof):

H. 283. Relating to Bibb County, to authorize the county commission to levy an additional one cent (\$.01) sales and use tax in the county in areas located outside the municipal limits of Centreville, Brent and West Blocton; to provide for collection of said tax by the state revenue department; and to distribute the net proceeds of said tax to the county general fund.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 283, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Hettinger, Hall, Grayson, Butler, and Freeman (With Notice and Proof):

H. 284. To authorize the City of Huntsville to acquire and operate passenger excursion trains upon the tracks of any public or private railroad within Madison County based upon agreements for such operation between the city and any such public or private railroad corporation or other entity.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 284, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Campbell:

H. 285. To propose an amendment to the Constitution of Alabama of 1901, to authorize the governing body of the City of Anniston in Calhoun County to appropriate public funds to the East Alabama United Cerebral Palsy Center.

Committee on Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

FIRST EXTRAORDINARY SESSION
2nd Day

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By Rep. Higginbotham:

H. 286. To amend Section 36-22-16 of the Code of Alabama 1975, so as to provide for the compensation of the sheriffs of the several counties in this state.

Committee on Judiciary.

By Reps. Kvalheim and Gaston:

H. 287. To authorize the Bureau of Vital Statistics to collect certain statistical data relating to the termination of pregnancies at any stage without identifying the patient by name. Further requiring certain facilities and physicians to report the required data.

Committee on Health.

By Reps. Knight, Dillard, Curry, Haynes, Johnson (RG), White (G), Logan, Hogan, Turnham, Brooks, Freeman, Petelos, Bowling, Richardson, Bugg, Moon, Headley, Cosby, White (L), Hammett, Williams, Breedlove, McMillan, Johnson (RW), Biddle, Junkins, Campbell, Harvey, Hooper, and Buskey (JL):

H. 288. Relating to motor vehicle licenses, registration and parking; to amend Sections 32-6-230, 32-6-231, 32-6-232, 32-6-233, 32-6-233.1 and 32-6-234 of the Code of Alabama 1975, so as to provide that certain temporarily handicapped individuals shall be granted temporary distinctive license plate decals or identification placards for use in special parking places reserved for handicapped persons; to authorize reciprocal agreements with other states regarding such parking places and to provide penalties for misuse and abuse of such parking places.

Committee on Health.

By Rep. Rogers (With Notice and Proof):

H. 289. Relating to Jefferson and Etowah Counties, to provide for a county supplemental salary for any full-time court referee appointed pursuant to section 12-15-6, Code of Alabama 1975, in an amount equal to fifty percent (50%) of any county supplemental salary payable to their respective appointing judges, to be paid from the general funds of the respective counties.

Committee on Local Government.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 289, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Kennedy:

H. 290. To provide further for warranties on new motor vehicles and to provide for refunds for failure to conform to said warranties.

Committee on Judiciary.

By Rep. Buskey (JE) (With Notice and Proof):

H. 291. Relating to Mobile County; providing for the compensation and payment of salary of members of county governing body.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 291, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Bryant (With Notice and Proof):

H. 292. Authorizing the probate judge of Perry County to have a chief clerk and two additional clerks to assist the probate judge of Perry County in the performance of his duties and to provide for retroactive effect.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 292, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Bryant (With Notice and Proof):

H. 293. Authorizing the county commission of Perry County to provide for a chief clerk and not more than two additional clerks to assist the county commission of Perry County in the performance of its duties.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 293, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Venable (With Notice and Proof):

H. 294. Relating to Elmore County; to amend Act No. 84-634 of the 1984 Regular Session relating to the compensation of members of the county commission, so as to alter the amount of said compensation.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 294, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Freeman:

H. 295. To provide that investigators for the Office of the Attorney General when duly appointed and designated by the Attorney General to be engaged in investigations related to controlled substances shall have the powers of peace officers, including arrest powers; and to provide that investigators so employed and designated must meet minimum standards requirements.

Committee on Judiciary.

By Rep. Johnson (RG):

H. 296. To amend further sections 16-25-14 and 36-27-16, Code of Alabama 1975, relating to retirement benefits under the Teachers' and Employees' Retirement Systems, so as to provide for disability retirement in

cases of service retirement upon completion of twenty-five years of creditable service.

Committee on Ways and Means.

By Rep. Payne:

H. 297. To propose an amendment to the Constitution of Alabama of 1901, to empower the legislature from time to time by local act to authorize or require the Jefferson County Commission to prohibit the overgrowth of weeds and the storage and accumulation of certain junk, motor vehicles and litter and to provide for the implementation, administration and enforcement of said prohibition and the assessment of certain criminal penalties; and to also provide for the validation of certain acts.

Committee on Local Legislation No. 2.

The above bill was read a first time at length as required by the Constitution.

By Rep. Rogers:

H. 298. To amend Section 40-23-2 of the Code of Alabama 1975, relating to taxes levied on gross receipts, so as to provide further for such taxes and the disposition of certain proceeds therefrom.

Committee on Ways and Means.

By Rep. McMillan:

H. 299. Relating to the improvement of the quality of the public elementary and secondary education system in the state; to make certain legislative findings; to direct the State Board of Education to appoint a task force for the purpose of establishing specific guidelines and/or minimum performance levels, to establish an accreditation system for all city and county boards of education and all public elementary and secondary schools in the state, to supplement the existing accreditation system established by the State Board of Education, which is based upon the satisfaction of specific guidelines and minimum performance standards established for such purpose by the State Board of Education, including the intervention in the operation of the public schools under the jurisdiction of a city or county board of education which does not meet the guidelines and minimum performance standards; to assess the quality of education in the public schools under the jurisdiction of each city and county board of education and identify specific goals for improving education at the local level, to create for each city and county board of education in the state an assessment team, the members of which shall be appointed by each local board of education, to stipulate that the results of the assessment shall be reported, to provide for such assessment every third year, to authorize the State Board of Education to withhold state allocations to any school system that fails to assess its needs; to require the State Board of Education to establish a goal of increasing the scale score for passing the Alabama High School Graduation Examination; to provide for the development of research-based criteria for evaluation of all professional education personnel, to provide for the validation of the evaluation instrument, to require local boards of education to either use a local evaluation instrument or use the one developed by the State Board of Education; to provide for the design, implementation and monitoring by the State Board of Education of a pilot program to determine the optimum teacher-pupil ratios for promoting academic achievement in the public elementary and

secondary schools in the state; to provide that the State Board of Education shall cause colleges and universities to reexamine and upgrade their teacher preparation programs in the state; to provide for the appointment of a task force to develop a comprehensive plan for in-service and professional development for professional personnel, to require consideration of such recommendation by the State Board of Education no later than July 1, 1989; to provide for the appointment of a task force to develop and propose recommendations for a pilot incentive program for educational improvement; to provide for the adoption of regulations by the State Board of Education requiring minimum periods of instructional time to be devoted to the fundamental areas of reading, English, mathematics, science, history, geography and computer skills, to require the State Board of Education to increase by not less than two the number of required academic courses for graduation with a standard diploma; to require city and county boards of education to adopt policies to ensure a safe school environment; to provide for the development by the State Board of Education, in cooperation with public institutions of higher education in the state and leaders in high technology business and industry, of a long-range plan utilizing the results of a pilot program, for the utilization of advanced technology teaching aids in the public elementary and secondary schools in the state.

Committee on State Administration.

By Reps. Holmes and Buskey (JL):

H. 300. To make an appropriation for the support and maintenance of the Cleveland Avenue YMCA for the fiscal year ending September 30, 1988, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

BILLS ON SECOND READING

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 28. (With Substitute) (With Amendment): To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1989.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 42. To provide for the creation of a special account to which the Legislature shall appropriate certain funds to prevent proration of the Alabama Special Educational Trust Fund; to prescribe criteria and procedures for withdrawals from such account in years of proration or in emergency situations as may be determined by the Legislature; to make annual appropriations to such account until a certain amount is established and to provide that such amount shall be maintained in separate trust from year to year except during years of proration in the Alabama Special Educational Trust

Fund and in emergencies; to prescribe procedures and criteria for reimbursement to such account after withdrawals; to provide for an effective date; and to repeal conflicting provisions.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 153. (With Substitute): To make appropriations for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1989.

H. 21. (With Substitute): To make appropriations for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1989.

H. 72. (With Substitute): To make appropriations for the support and maintenance of Sylacauga Nurses Training School for the fiscal year ending September 30, 1989.

H. 211. (With Substitute): To make appropriations for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1989.

H. 210. (With Substitute): To make appropriations for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1989.

H. 200. (With Substitute): To make appropriations for the support and maintenance of the Marion Military Institute for the fiscal year ending September 30, 1989.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 35. To make an appropriation from the Alabama Special Educational Trust Fund in the amount of \$400,000 to Children and Womens Hospital for the fiscal year ending September 30, 1989 and to require an operations plan and audited financial statement prior to release of any funds.

H. 155. To make a supplemental appropriation from the Alabama Special Education Trust Fund to the Children's Hospital of Alabama in Birmingham, Alabama, for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

H. 34. To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 29. To make a supplemental appropriation of \$1,000,000 from the Alabama Special Educational Trust Fund to the Alabama Commission on Higher Education for the EPSCoR program for the fiscal year ending September 30, 1988.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and

ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 36. (With Substitute): To make an appropriation from the State General Fund and the Alabama Special Educational Trust Fund for the fiscal year 1988-89 for the use of a sickle cell education program.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 33. To make an appropriation of \$750,000 from the Alabama Special Educational Trust Fund to the Alabama Shakespeare Festival for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 32. To make an appropriation of \$115,000 from the Alabama Special Educational Trust Fund to the League for the Advancement of Education for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 65. To provide a seven and one-half percent (7.5%) pay increase for certain public education employees with the beginning of the 1988-89 fiscal year; to provide a continuing pay increase provision for those teachers who have gained or may gain "continuing service status" or attain five years teaching experience in public schools and institutions; to define "continuing service status" for pay purposes only; to provide a seven and one-half percent (7.5%) increase for full-time personnel on all Salary Schedules in all public two-year colleges; to grant two-year college personnel credit for prior work experience; to prescribe a manner for payment; to establish miscellaneous pay provisions; and to provide an effective date.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 234. (With Amendment): To provide for revisions to the Code of Alabama 1975, dealing with ad valorem taxation, so as to offer equity and equalization in administration of ad valorem taxes, by amending the following code sections successively: Section 40-7-23, Code of Alabama 1975, as amended, to establish requirements under which a taxpayer may avoid the statutory ten percent penalty normally assessed on escaped tangible personal property ad valorem taxes, for the tax years ending on or before September 30, 1988, and to waive, upon the taxpayer's fulfilling the requirements of Section 40-7-23, the taxpayer's ad valorem tax liability on tangible personal property so assessed for the tax years ending on or before September 30, 1987; Sections 40-7-1, 40-8-1, 40-11-1, 40-12-240, 40-12-255 and 40-12-256, Code of Alabama 1975, to provide for assessment and payment of ad valorem taxes by owners of mobile homes the same as other real property and personal property owners, to identify the class of assessment for travel trailers, to eliminate the requirement for owners of mobile homes to purchase a license tag and pay the \$3.00 registration fee, to provide for the uniform identification and assessment of mobile homes, to authorize the commissioner of revenue to require that certain mobile home and ad valorem tax information be reported by real property owners on forms and through procedures prescribed by the

commissioner of revenue, to require proof of assessment to be furnished by the mobile home owner to the public utility companies before the utility companies shall connect service, to authorize the commissioner of revenue to promulgate rules and regulations necessary to carry out the provisions of this act and to make certain grammatical and clarifying changes; Sections 40-5-9, 40-10-21, 40-10-75, 40-10-76, 40-10-77, 40-10-83, 40-10-121, 40-10-122, and 40-10-132, Code of Alabama 1975, to increase the interest rate on delinquent ad valorem taxes and on taxes paid upon redemption; and by amending Section 40-7-21, Code of Alabama 1975, establishing the class of misdemeanor for failure or refusal to provide information deemed essential to assessment of property and to authorize proper authority to audit, examine, and inspect records and property, as needed, to enforce the assessment and collection of ad valorem taxes.

H. 10. (With Amendment): To require the state department of human resources to charge a fee in the amount of \$1,000.00 to be assessed as costs against the petitioners for investigation services performed in certain independent cases involving adoption; and to require that said fees shall be deposited in the state treasury to the credit of state general fund.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 147. To amend Section 35-12-38, Code of Alabama 1975, so as to permit stocks in custodial possession of the state to be sold through an established stock exchange or over the counter at prevailing prices and to permit the redemption of government and corporate bonds that have reached maturity.

H. 209. To amend section 32-6-17, Code of Alabama 1975, relating to driver's license fees, so as to increase the reinstatement fee, to make the fee applicable for each action and to require the licensee, upon reinstatement, to obtain a duplicate license with a new photograph and current personal data to ensure that the records of the department of public safety are kept up-to-date.

H. 138. To provide that the alcoholic beverage control board shall under certain conditions audit and collect certain taxes on beer or table wine levied for the benefit of local governing bodies.

H. 152. To provide for a service fee of \$50.00 per hour payable to the state general fund for the services of any officer or employee of any state department, agency, board or commission who is subpoenaed to furnish testimony in his or her official capacity through depositions or otherwise assists in any civil proceeding in which the employee or department is not a party.

H. 142. To amend section 32-7-4, Code of Alabama 1975, relating to fees for abstracts of driving records, so as to increase the fee for an abstract of a driving record from \$4.00 to \$5.50.

H. 205. To amend Sections 32-8-6, 32-8-7 and 32-8-87, Code of Alabama 1975, relating to the Uniform Certificate of Title and Theft Act, so as to simplify the motor vehicle title transaction fee schedule; to increase certain commissions and fees for services rendered; and to clarify inspection procedures for obtaining titles for rebuilt vehicles.

H. 26. To amend section 32-2-8, Code of Alabama 1975, relating to fees charged for copies of records of the Department of Public Safety, so as to increase the fee charged for a copy of any record in the files of the department of public safety.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 23. To amend section 32-6-15, Code of Alabama 1975, relating to fees for duplicate drivers' licenses, so as to increase the fee for a duplicate of lost or destroyed licenses.

H. 233. To impose an excise tax on illegal possession, distribution, sales, use and other transactions involving certain drugs or controlled substances and to provide for disposition of the proceeds of the tax; and to provide for criminal penalties for violating this act.

H. 203. To levy an additional privilege tax on cigarette papers and to provide for the assessment, collection and distribution of such tax; to confer powers and impose duties on the department of revenue; to prescribe criminal penalties for enforcement; to provide for the distribution of the net revenues from such tax to the forestry commission for fire protection purposes; and to provide the provisions of this act are cumulative.

H. 187. To amend section 40-23-2, Code of Alabama 1975, which provides for a tax on gross receipts on the products of certain businesses, so as to levy a tax upon those persons engaged in the business of issuing, selling, or licensing business establishments, radio stations, television stations, and others in the playing of music.

H. 120. To amend section 8-6-3, Code of Alabama 1975, relating to registration of securities dealers and salesmen, so as to increase the fees for registration of dealers and salesmen and to make the fees nonrefundable.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 111. (With Amendment): To amend section 32-6-8, Code of Alabama 1975, relating to learning permits for drivers' licenses, so as to provide for a four-year learner's license and increase the fees accordingly.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 276. To provide for the department of public safety to furnish criminal history record searches of convictions within the state of Alabama whenever allowed by law and to establish a fee for providing the same.

H. 11. To require the state department of human resources to charge a fee at a certain hourly rate to be assessed as costs against the parties for investigation services performed in cases involving divorce or divorce modifications, and to require that said fees shall be deposited in the state treasury to the credit of the state general fund.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 18. (With Substitute): To amend Sections 40-23-2(4), 40-23-61, 40-23-101 and 40-23-102, Code of Alabama 1975, which levy sales and use taxes on automotive vehicles, truck trailers, semitrailers, and house trailers, so as to increase the levy from 1 1/2% to 3% and amends Sections 40-23-35 and 40-23-108 to distribute the additional funds generated to the state general fund.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 46. To levelize the taxes on all tobacco products; to amend Sections 40-25-2 and 40-25-4, Code of Alabama 1975, so as to levy an additional privilege and license tax on the sale, storage, use, consumption or delivering of cigarettes within this state; to amend Section 40-25-23, Code of Alabama 1975, to provide for the disposition of the additional tobacco tax proceeds; to correct the identification of the Department of Mental Health and Mental Retardation, and provide for distribution for servicing bonds issued under the authority of Amendment 266 to the Constitution of Alabama; to provide for a single stamp system and protective distribution to replace local levies which are to be terminated or repealed; to provide for a credit system for stamp inventories in the possession of distributors at the date of implementation and to provide that the revenues generated will be distributed in part to the cities and counties to further secure bonds issued pursuant to Act 88-475, and the remainder to the General Fund of the State of Alabama.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 47. (With Substitute): To amend Sections 27-4-4 and 27-4-5, Code of Alabama 1975, so as to delete the provisions allowing insurance companies to deduct examination expenses from premium taxes and to increase domestic premium tax rates and to provide that the increased revenue will be deposited in the State General Fund.

H. 27. (With Substitute): To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1989.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 253. To make an appropriation of \$200,000 from the State General Fund to Fort Gaines for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 257. To make an appropriation of \$30,000 from the State General Fund to the Pea River Historical Society for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 256. To make an appropriation of \$50,000 from the State General Fund to the Southern Museum of Flight for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 255. To make an appropriation of \$30,000 from the State General Fund to Helen Keller Property Board for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 254. To make an appropriation from the State General Fund to the Childrens Hands On Museum in Tuscaloosa for the fiscal year ending September 30, 1989 and to require an operations plan and audited financial statement prior to release of any funds.

H. 252. To make an appropriation of \$75,000 from the State General Fund to Alabama Travel Council for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 250. To make an appropriation from the State General Fund to the Mallard Fox Creek Port and Industrial Park for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 248. To make an appropriation from the State General Fund to the Mountain Lakes Tourist Association for the fiscal year ending September 30, 1989.

H. 247. To make an appropriation of \$5,000 from the State General Fund to Lee County Historical Society and Museum for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 246. To make an appropriation from the State General Fund to the Wallace Industrial Air Park for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 245. To make an appropriation of \$50,000 from the State General Fund to Desoto Commission for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 244. To make an appropriation of \$20,000 from the State General Fund to Fort Payne Depot for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 45. To make a supplemental appropriation to the Alabama Real Estate Commission from the Real Estate Commission Fund for capital outlay for the fiscal year ending September 30, 1988.

H. 97. To make an appropriation of \$30,000 from the State General Fund to the Coosa - Alabama River Improvement Association for the fiscal

year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 249. To make an appropriation from the State General Fund to the W.C. Handy Property Board for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 41. To make an appropriation from the State General Fund to certain Industrial Parks for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 43. This bill provides for a supplemental appropriation of \$80,000 from the state general fund to the State Treasurer's Office for the fiscal year ending September 30, 1988.

H. 31. To make an appropriation of \$100,000 from the State General Fund to America's Junior Miss Pageant, Inc. for the fiscal year ending September 30, 1989.

H. 251. To make an appropriation of \$20,000 from the State General Fund to Brierfield Ironworks for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 95. To provide a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1989.

H. 100. To amend Section 22-9-8, Code of Alabama, 1975, as amended, by adjusting fees for certified copies of Vital Statistics records.

H. 57. To amend Section 36-13-12 of the Code of Alabama 1975, providing pension for widows of governors, so as to provide further for such pension.

H. 14. To amend Act No. 80-582 of the Alabama Legislature to promote the conservation of the state's petroleum resources and to encourage the use of alternative motor fuels, to accomplish such measures by offering a tax incentive in the form of a reduced rate of taxation on the motor fuel known as "gasohol," as defined herein, and to fix a termination date for the reduced rate.

H. 159. To amend Section 32-6-61, Code of Alabama 1975, as amended, to provide that the special license tag or license plate fees provided by Section 32-6-150(a) shall not be prorated, but shall be paid on an annual basis.

H. 12. To amend Section 16-3-9, Code of Alabama 1975, which provides for the expense allowance for members of the state board of education, so as to increase said allowance.

H. 15. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1989, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

H. 17. To provide for a limitation on the total cost of license plates, taxes and license fees for motorized recreational vehicles; to return the

taxation of such vehicles to the rates, weights and amounts that existed prior to 1984; and to exempt motorized recreational vehicles from the provisions of section 40-12-248 of the Code of Alabama 1975.

H. 106. To amend Sections 9-13-82 and 9-13-84, Code of Alabama 1975, as amended, which provide for the severance tax on forest products and the distribution of the proceeds thereof, so as to increase said tax and provide further for its distribution.

H. 99. To amend Sections 40-6-1, 40-6-3 and 40-6-4, Code of Alabama 1975, relating to the compensation and benefits paid to supernumerary tax assessors, tax collectors, revenue commissioners, license commissioners or other elected officials charged with the assessment and/or collection of ad valorem taxes, so as to cover appointed ad valorem tax officials and provide for a surviving spouse benefit.

H. 148. To provide that any member of the teachers' or employees' retirement system of Alabama not presently covered by a provision to convert unused sick leave into membership service for purposes of service retirement may do so under the provisions of §36-26-36.1 provided that no employee of an employer participating pursuant to §36-27-6 of the Code of Alabama 1975 shall be entitled to the benefits provided in this act unless such employer elects to come under the provisions of said act.

H. 126. To amend sections 16-31-1 and 16-31-4 of the Code of Alabama 1975 relating to the American Legion Scholarships so as to increase the value of the scholarships and to increase the number of scholarships awarded, except for persons currently receiving the scholarships shall remain at the current rate.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 6. Relating to elections; to define the meaning of terms used in this act; to provide for the designation and organization of a principal campaign committee by each candidate for election to state or local office; to designate the Secretary of State and the Judge of Probate as the recipients of reports and statements required to be filed by this act; to provide for the registration of political committees, including the principal campaign committee of each candidate; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to delineate the duties of the Secretary of State and Judge of Probate; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising; to prohibit the intimidation of voters, certain expenditures to influence voting, the publication or distribution of certain political statements, contributions in the name of another, fraudulent misrepresentations of campaign authority, and coercion of contributions; to provide penalties for the violation of the provisions of this act; to require that certificates of election be withheld under certain circumstances; and to repeal chapter 22 of Title 17 of the Code of Alabama 1975.

H. 3. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1987 Regular Session of the Legislature, as contained in the 1987 Cumulative Supplement to certain volumes of the Code and in the 1987 Replacement Volumes 7,

7A and 13 of the Code; to make corrections in certain volumes of such cumulative supplement and replacement volume 13; and to reorganize Article 5, Chapter 12, Title 13A, and Chapter 2, Title 20, as appearing in Volumes 12 and 14, respectively, of such cumulative supplement, so as to place the principal drug crime statutes in Title 13A, the Alabama Criminal Code.

H. 9. To revise the law on powers contained in mortgages on real estate and to provide: definitions; foreclosure by power of sale; minimum standards for notice of sale; method of conducting foreclosure by power of sale; and successive sales under power permitted. This Act applies only to mortgages, defined herein, executed on or after the effective date of this Act which is January 1, 1989.

H. 8. To amend Article 19 of Chapter 4 of Title 10 of the Code of Alabama (1975), as amended, the Revised Alabama Professional Corporation Act, by amending Sections 10-4-383, 10-4-387, 10-4-389, and 10-4-403 of the Code of Alabama (1975), as amended to determine the date of disqualification of shareholders; to allow corporations in existence December 31, 1983 in which licensed medical and dental professionals were allowed to be shareholders under Section 10-4-235, Code of Alabama (1975), to continue and to permit licensed medical and dental professionals to be allowed to be shareholders in the same professional corporation; permit professional associations in existence December 31, 1983 to continue to use the name professional associations or the abbreviation P.A.

H. 61. To amend the Alabama Trademark Act to include the registrability of business tradenames thereby creating an "Alabama Trademark and Tradename Act" by amending sections 8-12-6, 8-12-7, 8-12-8, 8-12-9, 8-12-14, 8-12-16, and 8-12-17 of the Code of Alabama 1975. Further to provide for transition provisions for existing trademarks and an effective date of January 1, 1989.

H. 221. To provide further for the revision of the guardianship laws of ~~this~~ state by amending Sections 1-106, 1-107, 2-104, 2-309, and 2-313 of the Alabama Uniform Guardianship and Protective Proceedings Act, Act No. 87-590, H. 233, which sections appear respectively as sections 26-2A-6, 26-2A-7, 26-2A-73, 26-2A-138, 26-2A-142, and 26-2A-8 of the Code of Alabama 1975.

H. 22. To amend Sections 34-33-1, 34-33-2, 34-33-3, 34-33-4, 34-33-5, 34-33-6 and 34-33-10 of the Code of Alabama 1975, relating to fire protection sprinkler systems, so as to redefine such systems and to further regulate the fire protection sprinkler system business in this state.

H. 16. To amend Section 37-1-47 of the Code of Alabama 1975, relating to Public Service Commission intervention in certain federal proceedings, so as to provide further for participation in federal proceedings by the Public Service Commission.

H. 56. To amend Section 37-4-23 of the Code of Alabama 1975, to further provide for the disposition and disbursement of fees collected thereunder.

H. 48. To amend § 37-1-11 of the Code of Alabama 1975, to further provide for the salaries of the president and associate commissioners of the Alabama Public Service Commission.

H. 59. This bill requires pipeline facilities transporting hazardous liquids and/or liquified natural gas (LNG) and facilities used in the liquification of

natural gas to comply with certain standards of safety; granting certain additional rights, powers and authority to the Alabama Public Service Commission to carry out the purposes of this Act; prescribing jurisdictions of courts for injunction proceedings; and prescribing monetary sanctions for violations of certain standards of safety.

Rep. Gaston, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 4. To amend §1-3-8 of the Code of Alabama 1975, so as to further provide for State holidays in this state; to provide that National Memorial Day shall be a legal holiday in this state and for the celebration of Confederate Memorial Day and Jefferson Davis' birthday on such day; to further provide for the celebration of Mardi Gras in this state; and to provide for personal leave days for State employees in lieu of certain holidays.

H. 133. To amend Sections 17-13-7, 17-16-35, 17-16-36, 17-17-2, 17-19-4, and 17-20-3, Code of Alabama, 1975, relating to the reporting of election results to the secretary of state so as to stipulate that the results will be reported by precincts.

H. 139. To authorize the department of human resources to remove certain items of fully depreciated state property which have little or no resale or reuse value to the state from state property inventory by transferring title and ownership of same to purchase of service contractors who will continue to utilize those items in providing needed services to clients of the department of human resources.

H. 128. To further provide for the powers, functions and duties of the Alabama historical commission, so as to include designating, platting and cataloging all cemeteries, whether public or private, nonprofit or otherwise, within the state for historical purposes.

H. 179. To amend Section 13A-14-2, Code of Alabama 1975, which relates to the Sunshine Law, so as to provide for notice of meetings and to increase the penalties for violations.

H. 240. To amend Section 41-9-341, Code of Alabama, 1975, which relates to reimbursement of expenses of members of the USS Alabama Battleship Commission, so as to allow members to be reimbursed for actual expenses incurred from funds of the Commission and to amend Section 41-9-349, Code of Alabama, 1975, which relates to the powers of the USS Alabama Battleship Commission, so as to authorize the Commission to lease certain of its lands in furtherance of the purposes for which the Commission was organized.

Rep. Laird, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 163. Relating to employment security programs of the Department of Industrial Relations so as to provide for an assessment of 0.06% against wages paid by certain employers for a three-year period beginning January 1, 1989 and ending December 31, 1991; to provide for the collection, appropriation and disbursement of such assessment, and to provide for the establishment of the "Employment Security Administration Enhancement

Fund" in the state treasury; to amend Sections 25-4-31, 25-4-54 and 25-4-143, Code of Alabama 1975, as amended, all relating to the Unemployment Compensation Trust Fund, so as to provide for a reduction of 0.06% in the rates of unemployment compensation contributions of certain employers effective for calendar years beginning on January 1, 1989 and ending on December 31, 1991, to provide for the appropriation of this and other revenue and for the transfer from the clearing account certain moneys into certain separate special funds in the state treasury.

H. 188. To amend sections 25-4-72, 25-4-73, 25-4-76 and 25-4-77, Code of Alabama 1975, relating to the Unemployment Compensation Act effective for weeks within benefit years beginning on and after January 1, 1989, so as to increase maximum weekly unemployment benefits to \$145, compute such weekly benefits on the average of the covered wages paid to an individual during the two quarters of his base period in which such wages were highest.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment and it was read a second time and placed on the Calendar, to-wit:

H. 222. (With Amendment): Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of heating and air conditioning contractors as provided in Sections 34-31-18 through 34-31-34, Code of Alabama 1975, with certain modifications; to amend Sections 34-31-18, 34-31-19, 34-31-21(g), 34-31-24, 34-31-28 and 34-31-31, Code of Alabama 1975, so as to: distinguish the function of install from service and repair; to delete all references to "registered" contractors; to correct an erroneous code subsection reference; and to provide further for the exemption period for taking examinations of the board for certain contractors having at least two years of experience (grandfather clause).

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 158. To amend Section 26-16-5, Code of Alabama 1975, relating to meetings of the Child Abuse and Neglect Prevention Board, so as to delete two mandated meeting dates of such Board.

H. 201. This bill amends Section 22-21-24, Code of Alabama, 1975, by increasing the fees for the license for health care facilities.

H. 186. To provide for the establishment and operation of an Alabama Chiropractors' Hall of Fame Board, and to prescribe its powers and duties.

H. 5. To further regulate the advertising by dentists, and the fees of dentists for administering anesthesia intravenous sedation; and to further amend Sections 34-9-19, 34-9-60, 34-9-61, 34-9-63 and 34-9-64, Code of Alabama 1975, as amended, relating to fees and advertising, so as to further provide therefor.

H. 175. This bill provides for an exception to the confidentiality provision of Chapter 11a of Title 22, Code of Alabama 1975, when a potential risk exists in the spread of a contagious disease by authorizing the State Committee of Public Health to establish guidelines for notification of pre-hospital transport agencies, funeral directors, school superintendents and others when indicated. The bill further sets penalties for violation.

H. 208. To authorize the State Board of Health to designate the services rendered by the State and County Health Departments for which fees may be charged and provides for the distribution of the fees.

H. 80. To amend Sections 22-5-2 and 22-5-5, Code of Alabama 1975, relating to the state commission on physical fitness, so as to rename said commission and provide further for its role and duties relative to certain events.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 71. To amend Section 5-13A-2, Code of Alabama 1975, as amended, relating to banks and banking, so as to add the State of Texas to the states within the definition of "region" covered by the Alabama Regional Reciprocal Banking Act of 1986; to provide for severability of the provisions of this act; to provide for the amendment of conflicting laws to the extent of such conflict; and to provide an effective date.

H. 73. To amend Section 11-81-21 of the Code of Alabama 1975, as amended, so as to add thereto other securities in which municipal or county funds, not presently needed for other purposes, may be invested.

H. 74. To provide for local governments in the State of Alabama to convert untenanted portions of commercial and industrial buildings into joint living and work quarters for artists under a redevelopment plan.

WHEREAS, persons regularly engaged in the arts require larger amounts of space for the pursuit of their artistic endeavors and for the storage of materials therefor, and of the products thereof, than are regularly found in dwellings; and

WHEREAS, the financial remunerations to be obtained from a career in the arts are generally small; and

WHEREAS, persons regularly engaged in the arts generally find it financially difficult to maintain quarters for their artistic endeavors separate and apart from their places of residence; and

WHEREAS, high property values and resulting rental costs make it particularly difficult for persons regularly engaged in the arts to obtain the use of the amount of space required for their work; and

WHEREAS, the residential use of such space is accessory to the primary use of such space as a place of work; now therefore,

H. 78. To amend Section 43-2-502 of the Code of Alabama 1975, relating to the filing of accounts by executors or administrators, so as to provide that the written evidence in the possession of an executor or administrator on which the executor or administrator relies to sustain the credit side of the account may consist of an affidavit or any other legal evidence, in the discretion of the executor or administrator.

H. 157. To amend Section 5-19-4, Code of Alabama 1975, relating to consumer finance, so as to require actuarial method of computation on consumer loans and consumer credit sales with an original term of more than 61 months and to clarify method of refund in all other cases.

Rep. McMillan, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 77. This bill amends §16-8-3 and §16-8-4, Code of Alabama, 1975, relating to the scheduling of regular meetings and annual public meetings of county boards of education.

H. 116. To authorize advance payments for the expenses of members and employees of local boards of education and to prescribe the methods for such advance expenditures.

Rep. Richardson, Chairman of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 52. To amend Sections 9-11-44 and 9-11-53, Code of Alabama 1975, relating to annual resident hunting and fishing licenses, respectively, so as to increase the license fees, to further provide for a hunting license exemption for certain residents, to delete a provision for a county fishing license, to increase the fishing license issuance fee, to further provide for an exemption relating to certain fishing by certain county residents, to provide for an exemption for certain persons fishing pursuant to Act No. 88-578, to increase the penalties in Section 9-11-44, and to authorize the issuance of licenses on a combination basis.

H. 55. To designate the Stevenson Depot as the Official Railway Museum of Alabama.

WHEREAS, the Stevenson Railroad Depot, which was built in the early 1850's, has been truly steeped in railroad and transportation history, serving as a major communication center; and

WHEREAS, the renovation of the Depot was completed in the early 1980's and the history of railroading in North Alabama is preserved in memorabilia and exhibits, and a multimedia presentation; and

WHEREAS, since year-round operation of the museum began in 1982, thousands of tourists, area residents, and students have toured the Depot and to see on static display, classic steam locomotives, various railway rolling stock and equipment; now therefore,

H. 105. To amend Section 9-11-257, Code of Alabama 1975, relating to hunting or discharging a firearm within a certain distance of public roads, highways, or railroads, so as to remove certain language regarding hunting and obtaining permission of adjacent landowners, to prohibit hunting or discharging a firearm in certain areas, to provide certain exceptions, and to alter criminal penalties.

H. 119. To amend Section 9-2-14, Code of Alabama 1975, as amended, to provide that the Advisory Board of Conservation and Natural Resources will consist of three ex officio members and eleven members appointed by the Governor as follows: one member shall be chosen from each of the Congressional districts in the State, one member shall be an individual whose primary livelihood is dependent upon agriculture, one member shall be an individual whose primary livelihood is dependent upon the forestry industry,

one member shall be an individual whose primary livelihood is dependent upon the fishing or sea food industry and one member shall be an individual whose primary livelihood is dependent upon or is involved in wildlife management; to provide that the terms of the present appointive members of the said Board will expire on December 31, 1988; to provide for the terms of the appointive members of the said Board; and to provide an effective date.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment and it was read a second time and placed on the Calendar, to-wit:

H. 49. (With Amendment): Relating to elections held in this state; to require qualified electors to provide an identification card or document to any election official or official poll watcher upon request.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 67. Relating to elections; to establish, operate and maintain a statewide voter file maintenance system as a service to county boards of registrars to assist them in updating their voter lists and to provide that this act shall be supplemental to existing election laws.

H. 239. To amend further section 17-4-156, Code of Alabama 1975, as amended, relating to meeting days of the boards of registrars, so as to provide further for such meeting days and to provide an effective date.

H. 185. To propose that any person or candidate involved in certain election contests is entitled to make an examination of the ballots cast, given, or rejected in the election and provides the procedures for examination of the ballots cast, given, or rejected.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1. To propose a self-executing amendment to the Constitution of Alabama of 1901, relative to the compensation of the judge of probate of Autauga County.

The above bill was read a second time at length as required by the Constitution.

H. 19. Relating to Barbour County, providing for an increase in certain court costs and providing for the disposition of the proceeds from the increase.

H. 20. Relating to Barbour County, providing an expense allowance for the circuit judge, district attorney, district judge and circuit clerk, and to provide for the funding of said allowance.

H. 85. Relating to Franklin County; to provide for additional expense allowances for members of the board of registrars and to provide for its retroactive effect.

H. 86. Relating to Pike County; repealing Act No. 87-760, H. 853, 1987 Regular Session, which provided a legislative delegation office allowance, and increasing certain court costs, so as to provide further for an expense allowance for the legislative delegation office.

H. 87. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Decatur, in Morgan County.

H. 88. Relating to Chambers County, providing further for the compensation of poll workers.

H. 89. Relating to Crenshaw County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Crenshaw County; repealing conflicting laws; and prescribing the effective date of this act.

H. 92. Relating to Crenshaw County; to provide for the election of the county superintendent and for the filling of unexpired terms of office resulting from vacancies; subject to the approval of a majority of the qualified electors of Crenshaw County voting thereon at a referendum election.

H. 102. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sylacauga, in Talladega County.

H. 104. Relating to Pickens County; providing an expense allowance for members of the board of registrars retroactive to October 1, 1985, and providing that such expense allowance shall remain in effect either until September 30, 1991 or until the provisions of Act 88-659 of the 1988 Regular Session are implemented, whichever occurs first, at which occurrence the county governing body shall by resolution either terminate or continue such expense allowance.

H. 122. To propose a self-executing amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Crenshaw County.

The above bill was read a second time at length as required by the Constitution.

H. 123. To authorize the county commission of Russell County, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Russell County, on all taxable property situated within said county, an ad valorem tax for public buildings, bridges or roads by an amount which shall not exceed, for any tax year of said county, \$.65 on each one hundred dollars (6-1/2 mills on each dollar) of assessed value and to provide for a referendum.

H. 127. Relating to Coffee County, to provide for the salary of the Probate Judge, the Revenue Commissioner and the Sheriff.

H. 129. Relating to Coffee County, to designate the bridge over White Water Creek on Highway 167 the Clowers Bridge and to provide for the preparation and erection of signs.

H. 165. Relating to Pike County; providing for the mode of construction, maintenance and repair of public roads, highways, bridges and ferries under

the county unit system; authorizing and requiring the county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county commission in relation to the roads, highways, bridges and ferries of Pike County; prohibiting the performance of certain work on private property; providing civil fines for violations; and providing for an effective date.

H. 168. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

H. 169. Relating to Morgan County; authorizing and empowering the Morgan County commission and the governing bodies of the incorporated municipalities in such county to regulate and control through the issuance of permits the location of rock quarry blasting operations within the county.

H. 170. To authorize the Greene County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

H. 178. Relating to Etowah County; to authorize the probate judge to set the fee for supplying a copy of an instrument; to place the proceeds from the fees in a special fund and provide for its use.

H. 181. Relating to Coosa County, providing for an advisory referendum regarding Coosa County Commission members' compensation and the Coosa County Commission chairman's right to vote.

H. 182. Relating to Baldwin County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fairhope in Baldwin County.

H. 189. Relating to Talladega County, requiring the inspection of all asphalt plants eligible to bid on the sale of asphalt plant mix to the county or any municipality within the county by the highway department.

H. 193. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

H. 194. To implement the Pike County Government Modernization Plan; to further provide for the operation of certain county offices; to abolish the offices of tax assessor and tax collector and to merge such functions into a new revenue commissioner and to provide for such officer's qualifications, election procedures, duties, powers and compensation; to remove and transfer duties of chairman of the Pike County Commissioner from the judge of probate to the full-time chairman of the county commission and to provide for the qualifications, election procedures, duties, powers and compensation of such chairman; to provide for the reelection of the tax assessor and tax collector under certain conditions; to further provide for the compensation of the judge of probate; and to provide for the effective dates of this act, which dates shall be specified in different years.

H. 225. To propose an amendment to the Constitution of Alabama of 1901, relating to fire protection districts in Washington County, so as to provide for the levy and collection of certain additional property tax for fire protection in said county.

FIRST EXTRAORDINARY SESSION
2nd Day

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The above bill was read a second time at length as required by the Constitution.

H. 235. Relating to Lawrence County, providing for an advisory referendum election relating to the manner of electing the members of the county commission.

H. 242. To alter or rearrange the boundary lines of the City of Andalusia, Covington County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Covington County, Alabama.

H. 243. Relating to Covington County; providing for the collection of municipal and/or county vehicle use tax on vehicles purchased from out-of-state dealers or Alabama dealers who failed to collect municipal and/or county sales taxes at the time of sale; and providing for the disposition of the proceeds.

H. 264. To authorize the Choctaw County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

H. 269. Relating to Talladega County; to provide for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

Rep. Marietta, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 166. Relating to Mobile County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner upon the expiration of the current terms of office of tax assessor and tax collector; prescribing the powers, duties, and term of office of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Mobile County; repealing conflicting laws; and providing that this act shall become effective only upon the approval of a majority of the qualified electors of Mobile County voting thereon in a referendum election.

Rep. Marietta, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 230. (With Amendment): Relating to the City of Prichard in Mobile County; limiting the number of city council members on the water works and sewer board to no more than two.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following

bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 91. Relating to the City of Tuscaloosa, Tuscaloosa County, fire-fighters, so as to establish longevity pay in addition to compensation and the manner of such payments.

H. 93. Relating to Tuscaloosa County and the Firemen's and Policemen's Pension and Relief Fund for the City of Tuscaloosa, further amending Act No. 328, H. 854, 1959 Regular Session, providing for an increase in the amount to be deducted from the salary of each fireman and policeman, increasing the amount to be paid into the fund out of the treasury of city by the governing body of the city and to change the requirements relating to the signing of warrants or checks for payment of amounts from the fund.

ADJOURNMENT

On motion of Rep. Campbell and pursuant to the resolution, H. R. 71, heretofore adopted, the House adjourned until 9:30 o'clock a.m., Thursday, September 1, 1988.

THIRD DAY

House of Representatives
Montgomery, Alabama
Thursday, September 1, 1988

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Joe Capps, Chaplain, Bullock County Correctional Facility, Union Springs, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Sim Johnson.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner,

Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the second legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the second legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the second legislative day was approved.

BILLS ON SECOND READING

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 110. To authorize the State Board of Health to designate the services rendered by the State and County Health Departments for which fees may be charged and provides for the distribution of the fees.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 58. (With Substitute): To amend Section 37-4-116 of the Code of Alabama 1975, relating to fees for inspection and supervision of radio utilities, so as to provide further for such fees and to provide for payment on a quarterly basis.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 286. To amend Section 36-22-16 of the Code of Alabama 1975, so as to provide for the compensation of the sheriffs of the several counties in this state.

H. 137. To provide for the method of filing applications for allocations of a portion of the "State Ceiling" applicable to tax-exempt bonds; to establish expiration and reversion dates for allocation of "State Ceiling" and conditions subsequent to such allocations; to allocate the entire "State Ceiling" to the State, subject to redistribution by the State Industrial Development Authority; to reserve certain portions of the "State Ceiling" for the use and benefit of Alabama Housing Finance Authority and Alabama Higher Education Loan

Corporation; to provide for the allocation of portions of the "State Ceiling" to issuers of small issue bonds for manufacturing facilities and for exempt facility bonds and for the allocation of a portion of the "State Ceiling" at the discretion of the State Industrial Development Authority; to provide a procedure for carryforward allocations; to establish an effective date; to authorize the State Industrial Development Authority to adopt rules and regulations governing the making of allocations; and to designate the president of the State Industrial Development Authority as the State official authorized to make certain certifications required under the Internal Revenue Code of 1986, as amended.

Rep. Laird, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 151. To further amend Section 40-12-252, Code of Alabama 1975, as amended, relating to the basis of tax for truck trailers, tractor trailers and semitrailers, so as to authorize a five-year registration option for these vehicles as now permitted for rental utility trailers, and gives the Department of Revenue the authority to develop and promulgate reasonable rules and regulations as needed to administer the provisions of this act.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 287. To authorize the Bureau of Vital Statistics to collect certain statistical data relating to the termination of pregnancies at any stage without identifying the patient by name. Further requiring certain facilities and physicians to report the required data.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 96. To amend sections 16-33B-1, 16-33B-3 and 16-33B-4, Code of Alabama 1975, relating to the Alabama guaranteed student loan program, so as to define approved lender, student loans, Federal Student Loan Law and eligible institution; to provide program administration in accordance with the Federal Student Loan Law; to provide for basic powers and duties of the Alabama Commission on Higher Education in accordance with the Federal Student Loan Law; to promote the availability of the Alabama guaranteed student loan program; and to service loans.

Rep. Ford, Chairman of the Standing Committee on Military Affairs, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 141. To amend Section 31-5-3 of the Code of Alabama 1975, relating to the department of veterans' affairs so as to provide further for the state board of veterans' affairs to include representatives from the Vietnam Veterans' of America membership.

Rep. Marietta, Chairman of the Standing Committee on Oil and Gas, reported that said Committee in session had acted on the following bill and

ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 202. Relating to the further regulation of liquefied petroleum gas and the powers, duties and authority of the Liquefied Petroleum Gas Board; to amend Sections 9-17-100, 9-17-102, 9-17-104, 9-17-106, 9-17-107, 9-17-108 and 9-17-109 of the Code of Alabama 1975, as amended; to amend Sections 9-17-101 and 9-17-105 of the Code of Alabama 1975, as amended by Act No. 88-142 of the 1988 Regular Session; and to provide for administrative remedies with rights to appeal for correcting noncompliance with law and with regulations of the Liquefied Petroleum Gas Board.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 90. Relating to the twenty-first judicial circuit, Escambia County, Alabama; providing further for expense allowances and equalizing expense allowances for the presiding circuit judge, circuit judge No. 2 and the district judge of the circuit; providing for such expense allowances to be payable from the county treasury.

H. 183. Relating to Escambia County; there is hereby levied a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of cigarettes in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

H. 215. Relating to Blount County; to provide further for fire districts within the county.

Rep. Hall, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 75. To alter, extend, rearrange and redefine the boundaries and corporate limits of the City of Huntsville in Madison County, annexing certain territory to the city.

H. 176. Relating to the City of Huntsville in Madison County; to authorize the Huntsville Board of Education and the Huntsville City Council to agree to qualify, run for office, and be elected from the same geographical districts, and to allow the said Board and Council to agree to have five or more such districts.

H. 231. Relating to Madison County; to exempt from all county, local or municipal ad valorem taxes all property owned and used by the Huntsville Land Trust, Incorporated.

H. 284. To authorize the City of Huntsville to acquire and operate passenger excursion trains upon the tracks of any public or private railroad within Madison County based upon agreements for such operation between the city and any such public or private railroad corporation or other entity.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 53. To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September

30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 124. To authorize an additional county salary supplement for the District Attorney of the Thirty-Seventh Judicial Circuit; to provide that the provisions of this act shall be effective October 1, 1988.

H. 160. Relating to Shelby County; to provide further for the compensation of certain poll officials and poll workers.

H. 278. Relating to Randolph County, repealing Act No. 88-328, H. 857, enacted in the Regular Session of 1988, allowing the Randolph County Health Department to set fees for service.

H. 281. Relating to Dale County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Dale County; repealing conflicting laws; and prescribing the effective date of this act.

H. 285. To propose an amendment to the Constitution of Alabama of 1901, to authorize the governing body of the City of Anniston in Calhoun County to appropriate public funds to the East Alabama United Cerebral Palsy Center.

The above bill was read a second time at length as required by the Constitution.

H. 294. Relating to Elmore County; to amend Act No. 84-634 of the 1984 Regular Session relating to the compensation of members of the county commission, so as to alter the amount of said compensation.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 98. To amend section 36-21-9 of the Code of Alabama 1975, which provides for a card authorizing an honorably retired law enforcement officer to carry a handgun so as to change the issuance of the card from an annual to a permanent basis.

H. 206. To provide for the establishment of a fund from which survivor allowances for spouses of deceased district or supernumerary district attorneys shall be paid; to provide requirements for eligibility for receipt of such benefits; to provide funding for the proper operations and maintenance of such fund; and to provide for the management of such fund.

H. 282. Further providing for service charges of worthless checks for restitution and in the criminal procedure from crimes relating to worthless checks or negotiating a worthless negotiable instrument and notice, so as to increase such charges; amending Section 12-17-224, Code of Alabama 1975, as amended by Act No. 87-565, S. 319, Regular Session 1987, relating to

restitution process and service charges for worthless checks; amending Section 13A-9-13.1, Code of Alabama 1975, as amended, relating to the crime of negotiating a worthless negotiable instrument and service charges, and Section 13A-9-13.2, Code of Alabama 1975, as amended, relating to notice of such crime and service charges, so as to increase such service charges.

H. 162. To provide that out-of-court statements made by children under twelve years of age at the time of the proceeding concerning an act that is a material element of any crime involving child sexual abuse, as defined, not otherwise admissible are admissible in a criminal proceeding in certain circumstances; to specify those circumstances; and to define crimes involving child sexual abuse for purposes of this act.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 112. (With Amendment): To amend section 32-1-4, Code of Alabama 1975, to provide that custodial arrest is authorized for certain traffic offenders in order to assure that sufficient bond is given and to delete the provision requiring an immediate hearing upon demand by the offender and impose a minimum fine for failure to appear.

Rep. Hettinger, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 108. (With Amendment): To provide that any city or municipal council, or any county commission, the members of which are elected from single-member districts, must reapportion said districts within 120 days of the publication of the 1990 and any subsequent federal decennial census.

Rep. Hettinger, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 223. To amend section 16-11-2, Code of Alabama 1975, relating to city boards of education, so as to provide that any elected city board of education and the elected city council for the same municipality may agree to qualify, run for office, and be elected from the same geographical districts, and may agree to have five or more such districts.

H. 237. Providing for officers for industrial development corporations organized under the authority of Chapter 20 of Title 11 of the Code of Alabama 1975.

H. 241. To amend Section 11-20-36 of the Code of Alabama 1975, relating to boards of directors of industrial development corporations, so as to provide further for such directors.

H. 266. Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of a Franklin County Water Coordinating and Fire Prevention Authority by a general or a local act of the Legislature.

The above bill was read a second time at length as required by the Constitution.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Spratt, Davis, Newton, Perdue, Wright, Seibels, Biddle, Rogers, Payne, McClain, White (G), Gray, Slaughter, and Curry (With Notice and Proof):

H. 301. Relating to counties having a population excess of 500,000 according to the most recent federal decennial census; to amend Section 1 of Act No. 81-752, H. 33, 1981 Regular Session, which relates to the compensation of certain election officials so as to increase their compensation.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 301, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Bugg and Junkins (With Notice and Proof):

H. 302. Relating to Etowah County, providing further for the expense allowance of the constable and providing for a retroactive effect.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 302, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Zoghby and Penry:

H. 303. To propose and provide for the submission of a constitutional amendment to the Constitution of 1901, as amended, relating to the scholastic year requirements for public education, so as to further provide for the opening date of the public schools; and to provide for the ratification pursuant to Sections 284, 285 and 287 of the Constitution of 1901, as amended.

Committee on Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Rep. Faulk:

H. 304. To propose an amendment to the Constitution of Alabama of 1901, as amended, to levy a tax on advertising sold or used in this state.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Faulk:

H. 305. To impose a tax on advertising sold or used in this state paralleling the state sales and use tax levied on tangible personal property; and to provide for the collection of such tax.

Committee on Ways and Means.

By Rep. Reed (With Notice and Proof):

H. 306. Relating to Macon County; to provide that beer or ale may be sold in containers not exceeding 24 ounces in size.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 306, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Laird (With Notice and Proof):

H. 307. Relating to Randolph County, repealing Act No. 88-328, H. 857, enacted in the Regular Session of 1988, allowing the Randolph County Health Department to set fees for service.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 307, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Bryant (With Notice and Proof):

H. 308. Relating to Perry County; authorizing the county commission to levy a one percent (1%) sales tax, a three cent (\$0.03) tobacco tax, and a two cent (\$0.02) gasoline tax, providing for the distribution of said taxes and for penalties in violation of this act.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 308, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Bryant (With Notice and Proof):

H. 309. Relating to Perry County; authorizing the county commission to levy an additional ad valorem tax in said county to be used for general purposes and providing for a referendum.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 309, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turnham:

H. 310. To amend Section 27-4-2, Code of Alabama 1975, which provides for the collection of certain fees and licenses by the Commissioner of Insurance, so as to increase certain fees.

Committee on Ways and Means.

By Rep. Headley (With Notice and Proof):

H. 311. Relating to Bibb County, to authorize the county commission to levy an additional one cent (\$.01) sales and use tax in the county in areas located outside the municipal limits of Centreville, Brent and West Blocton; to provide for collection of said tax by the state revenue department; and to distribute the net proceeds of said tax to the county general fund.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 311, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Rogers, Spratt, McClain, McDowell, Newton, Davis, Wright, Escott, and Perdue (With Notice and Proof):

H. 312. Relating to Jefferson County; to provide for a county supplemental salary for any full-time court referee or full-time standing master in an amount equal to fifty percent (50%) of the county supplemental salary payable to their respective appointing judges, to be paid from the general fund.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 312, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Holmes:

H. 313. To make an appropriation for the support and maintenance of the Cleveland Avenue YMCA for the fiscal year ending September 30, 1988, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Reps. Gray, White (G), McKee, Curry, and Marks:

H. 314. Proposing an amendment to the Constitution of Alabama relative to the power of recall, excluding members of the United States Congress.

Committee on Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Reps. Carothers, Mathis, and Beasley:

H. 315. To amend Sections 1.03, 3.02, 3.14, 4.01, 4.02, 6.02 and 10.01 of Act No. 88-445, H. 963 of the 1988 Regular Session appearing in Article

1 of Chapter 44E of Title 11, Code of Alabama 1975, providing for a Mayor/Commission/City Manager form of government for Class 5 municipalities upon adoption by a municipality, so as to further provide for said form of government for Class 5 municipalities.

Committee on Local Government.

By Reps. Flowers, McMillan, and Carothers:

H. 316. Relating to members of the state teachers' retirement system; to permit such members to purchase service credit for time spent employed at any private or military institution of this state which has subsequently become a public institution of higher learning, at the rate of salary actually earned for such service, before October 1, 1989.

Committee on Ways and Means.

By Rep. Turnham:

H. 317. Providing for elected superintendents of education to participate in the teachers' retirement system upon ratification of an amendment to the Constitution of Alabama 1901 allowing such elected superintendents to participate in such retirement system.

Committee on Ways and Means.

By Reps. Walker, Drake, Fuller, Ford, Mikell, Brooks, Laird, Cosby, Butler, Breedlove, McKee, Britnell, Hooper, White (L), Harvey, Curry, Wright, Adams, Goodwin, Lindsey, Willis, Burke, Petelos, Beers, White (G), Gray, Dillard, Hamilton, Marks, Logan, Knight, Carter, Flowers, Blakeney, Venable, Hammett, Moon, Layson, Poole, Johnson (RG), Faulk, Beasley, McMillan, Rains, Hill, Frazier, Crow, White (F), Richardson, and Hogan:

H. 318. To provide revenue by levying a 10% privilege tax, less local tax credits, on the gross pari-mutuel pool at any dog race track in the State of Alabama; to provide for the assessment and collection of such revenues; to amend Section 40-11-5, Code of Alabama 1975, relating to taxes on dog tracks, so as to levy said privilege tax; to confer powers and impose duties on the Department of Revenue; to pledge and appropriate the receipts collected under this act to provide for payment of the principal on, premium, if any, and interest on, all bonds issued by the Alabama Mental Health Finance Authority, as authorized by Act 88-475, to the extent necessary for such purpose; to provide for the distribution of the remaining proceeds of such revenues; and to prescribe penalties for non-compliance.

Committee on Ways and Means.

By Rep. Johnson (RG):

H. 319. To increase the sales tax on certain alcoholic beverages and provides for its distribution.

Committee on Ways and Means.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Junkins and Bugg:

H. R. 80. MOURNING THE DEATH OF B. L. DICKIE OF GLEN-COE, ALABAMA.

Also:

By Reps. Junkins and Bugg:

H. R. 81. MOURNING THE DEATH OF HELEN LEE COPELAND OF GADSDEN, ALABAMA.

Also:

By Reps. Junkins and Bugg:

H. R. 82. MOURNING THE DEATH OF DEWEY CALVIN PRUETT OF GADSDEN, ALABAMA.

BILLS ON THIRD READING

And the bill:

H. 1. To propose a self-executing amendment to the Constitution of Alabama of 1901, relative to the compensation of the judge of probate of Autauga County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Curry, Drake, Faulk, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hettinger, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Mathis, McKee, McMillan, Moon, Newman, Perdue, Poole, Rains, Reed, Rogers, Seibels, Slaughter, Starkey, Turnham, Venable, White (G), White (L), Williams and Willis.

—71

Nay: Rep. Headley.

—1

And the bill:

H. 19. Relating to Barbour County, providing for an increase in certain court costs and providing for the disposition of the proceeds from the increase.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Bryant, Bugg, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Curry, Dillard, Drake, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Haynes, Headley, Hettinger, Higginbotham, Hill, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Layson, Logan, Marietta, Marks, Mathis, McKee,

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McMillan, Moon, Newman, Parker, Penry, Rains, Rogers, Seibels, Slaughter, Starkey, Venable, Warren, White (G), White (L), Williams and Zoghby.

—65

And the bill:

H. 20. Relating to Barbour County, providing an expense allowance for the circuit judge, district attorney, district judge and circuit clerk, and to provide for the funding of said allowance.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Bryant, Bugg, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Dillard, Drake, Faulk, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Moon, Newman, Parker, Penry, Perdue, Rains, Rogers, Seibels, Slaughter, Starkey, Venable, White (G), White (L), Williams, Willis and Zoghby.

—70

And the bill:

H. 85. Relating to Franklin County; to provide for additional expense allowances for members of the board of registrars and to provide for its retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Breedlove, Britnell, Bryant, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Crow, Curry, Dillard, Drake, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Hamilton, Hammett, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, McMillan, Mikell, Moon, Newman, Parker, Penry, Rains, Slaughter, Starkey, Venable, White (F), White (L), Williams, Willis and Zoghby.

—59

And the bill:

H. 86. Relating to Pike County; repealing Act No. 87-760, H. 853, 1987 Regular Session, which provided a legislative delegation office allowance, and increasing certain court costs, so as to provide further for an expense allowance for the legislative delegation office.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Bowling, Breedlove, Bryant, Buskey (JE), Butler, Campbell, Carter, Clark (W), Coburn, Crow, Curry, Dillard, Drake, Flowers, Ford, Freeman, Gaston, Goodwin, Hall, Hammett, Harvey, Headley, Hettinger, Higginbotham, Hill, Hooper, Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, McMillan, Mikell, Moon, Newman, Penry, Perdue, Rains, Richardson, Rogers, Seibels, Slaughter, Starkey, Turnham, Venable, White (F), White (G), White (L) and Willis.

—56

And the bill:

H. 87. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Decatur, in Morgan County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Bowling, Breedlove, Bugg, Butler, Carter, Coburn, Crow, Curry, Dillard, Drake, Flowers, Ford, Frazier, Gaston, Goodwin, Grayson, Hammett, Harvey, Higginbotham, Hogan, Hooper, Junkins, Knight, Kvalheim, Layson, Lindsey, Logan, Marks, McMillan, Newman, Parker, Penry, Perdue, Rains, Rogers, Seibels, Slaughter, Starkey, Venable, White (F), White (G), White (L), Willis and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 88. Relating to Chambers County, providing further for the compensation of poll workers.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Britnell, Brooks, Bryant, Buskey (JE), Butler, Carter, Clark (W), Crow, Curry, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Headley, Hettinger, Hill, Hogan, Holley, Hooper, Johnson (RW), Junkins, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, McMillan, Mikell, Moon, Newman, Parker, Penry, Poole,

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Richardson, Seibels, Slaughter, Starkey, Venable, White (F), White (G), White (L), Willis and Zoghby.

—53

And the bill:

H. 89. Relating to Crenshaw County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Crenshaw County; repealing conflicting laws; and prescribing the effective date of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Reps. Adams, Beasley, Black, Britnell, Brooks, Bryant, Buskey (JE), Butler, Carter, Clark (W), Curry, Dillard, Faulk, Ford, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Harvey, Headley, Hettinger, Hill, Hooper, Kennedy, Knight, Kvalheim, Layson, Logan, Marks, Mathis, McMillan, Moon, Newman, Payne, Penry, Rains, Seibels, Slaughter, Venable, White (F), White (G), White (L) and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 92. Relating to Crenshaw County; to provide for the election of the county superintendent and for the filling of unexpired terms of office resulting from vacancies; subject to the approval of a majority of the qualified electors of Crenshaw County voting thereon at a referendum election.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Britnell, Brooks, Bryant, Bugg, Butler, Carter, Clark (W), Crow, Dillard, Faulk, Flowers, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Layson, Lindsey, Logan, Marks, Mathis, McMillan, Mikell, Moon,

Newman, Parker, Payne, Penry, Rains, Seibels, Slaughter, Starkey, Venable, White (F), White (L), Willis and Zoghby.

—55

And the bill:

H. 102. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sylacauga, in Talladega County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Reps. Adams, Beasley, Black, Brooks, Bryant, Butler, Carothers, Carter, Faulk, Flowers, Ford, Gaston, Goodwin, Grayson, Grouby, Hammett, Haynes, Hettinger, Higginbotham, Hogan, Holley, Johnson (RG), Junkins, Kvalheim, Laird, Layson, Lindsey, Marks, Mathis, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Seibels, Starkey, Venable, White (F), White (L), Willis and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 104. Relating to Pickens County; providing an expense allowance for members of the board of registrars retroactive to October 1, 1985, and providing that such expense allowance shall remain in effect either until September 30, 1991 or until the provisions of Act 88-659 of the 1988 Regular Session are implemented, whichever occurs first, at which occurrence the county governing body shall by resolution either terminate or continue such expense allowance.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Carter, Clark (W), Curry, Dillard, Faulk, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Johnson (RW), Junkins, Kennedy, Kvalheim, Layson, Lindsey, Marietta, Marks, McMillan, Moon, Newman, Parker, Penry, Perdue, Rains, Seibels, Slaughter, Starkey, Thomas, Venable, White (L), Willis and Zoghby.

—55

And the bill:

H. 122. To propose a self-executing amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Crenshaw County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Buskey (JE), Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Dillard, Drake, Faulk, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McMillan, Moon, Newman, Parker, Penry, Perdue, Rains, Richardson, Seibels, Starkey, Thomas, Venable, Warren, White (L), Williams, Willis and Zoghby.

—68

And the bill:

H. 123. To authorize the county commission of Russell County, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Russell County, on all taxable property situated within said county, an ad valorem tax for public buildings, bridges or roads by an amount which shall not exceed, for any tax year of said county, \$.65 on each one hundred dollars (6-1/2 mills on each dollar) of assessed value and to provide for a referendum.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Butler, Carothers, Carter, Clark (W), Curry, Dillard, Flowers, Ford, Gaston, Goodwin, Grayson, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Johnson (RG), Junkins, Kennedy, Knight, Layson, Lindsey, Marks, McMillan, Moon, Newman, Parker, Penry, Perdue, Poole, Seibels, Slaughter, Spratt, Starkey, Thomas, Venable, White (L), Willis and Zoghby.

—52

Nay: Rep. Freeman.

—1

And the bill:

H. 127. Relating to Coffee County, to provide for the salary of the Probate Judge, the Revenue Commissioner and the Sheriff.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Butler, Carothers, Carter, Clark (W), Curry, Dillard, Flowers, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton,

Hammett, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Layson, Lindsey, Marks, McMillan, Moon, Newman, Parker, Penry, Perdue, Poole, Rains, Richardson, Seibels, Spratt, Starkey, Thomas, Venable, White (G), White (L), Willis and Zoghby.

—61

And the bill:

H. 129. Relating to Coffee County, to designate the bridge over White Water Creek on Highway 167 the Clowers Bridge and to provide for the preparation and erection of signs.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Butler, Carothers, Carter, Clark (W), Curry, Dillard, Flowers, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Layson, Marks, Mathis, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Poole, Rains, Seibels, Slaughter, Spratt, Starkey, Thomas, Venable, Warren, White (G), Willis and Zoghby.

—60

And the bill:

H. 165. Relating to Pike County; providing for the mode of construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county commission in relation to the roads, highways, bridges and ferries of Pike County; prohibiting the performance of certain work on private property; providing civil fines for violations; and providing for an effective date.

Was taken up.

AMENDMENT OFFERED

Rep. Flowers offered the following amendment to the bill, H. 165:

Amend H. 165 as follows:

On line 13 after the word "~~county~~" insert the words: with the exception commission to employ and regulate the compensation of a county

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Box, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Butler, Campbell, Carter, Clark (W), Coburn, Curry, Dillard, Drake, Flowers, Frazier, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Johnson (RG), Kennedy, Knight, Kvalheim, Layson, Marietta, Marks, Mathis, McMillan, Newman, Parker, Payne, Penry, Poole, Rains, Spratt, Starkey, Thomas, Venable, White (G) and Zoghby.

—54

And the bill, H. 165 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Bowling, Box, Brooks, Bryant, Buskey (JE), Butler, Carter, Clark (W), Coburn, Curry, Dillard, Drake, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Hall, Hammett, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Layson, Logan, Marietta, Marks, Mathis, McMillan, Melton, Moon, Parker, Payne, Penry, Rains, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (G) and Zoghby.

—59

And the bill:

H. 168. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Butler, Campbell, Carter, Coburn, Curry, Dillard, Drake, Faulk, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Junkins, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Melton, Moon, Newman, Parker, Payne, Rains, Seibels, Slaughter, Spratt, Starkey, Thomas, Venable, White (G) and Zoghby.

—62

And the bill:

H. 169. Relating to Morgan County; authorizing and empowering the Morgan County commission and the governing bodies of the incorporated municipalities in such county to regulate and control through the issuance of permits the location of rock quarry blasting operations within the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Campbell, Clark (W), Coburn, Curry, Dillard, Drake, Faulk, Frazier, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Harvey, Headley, Hettinger, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Melton, Moon, Newman, Parker, Payne, Penry, Rains, Seibels, Slaughter, Spratt, Starkey, Thomas, White (G) and Zoghby.

—56

H. 170 CARRIED OVER

On motion of Rep. Black, the bill, H. 170, was carried over to the fourth legislative day.

And the bill:

H. 178. Relating to Etowah County; to authorize the probate judge to set the fee for supplying a copy of an instrument; to place the proceeds from the fees in a special fund and provide for its use.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Bowling, Box, Breedlove, Britnell, Brooks, Bugg, Buskey (JE), Clark (W), Coburn, Curry, Dillard, Drake, Frazier, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Harvey, Headley, Hettinger, Hill, Hogan, Johnson (RG), Junkins, Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, Moon, Newman, Parker, Payne, Penry, Rains, Seibels, Slaughter, Spratt, Starkey, Thomas, White (G) and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 181. Relating to Coosa County, providing for an advisory referendum regarding Coosa County Commission members' compensation and the Coosa County Commission chairman's right to vote.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Campbell, Carter, Clark (W), Coburn, Curry, Dillard, Drake, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Knight, Kvalheim, Layson, Marks, Mathis, Melton, Moon, Newman, Parker, Payne, Penry, Poole, Rains, Richardson, Slaughter, Spratt, Starkey, Thomas, Venable and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 182. Relating to Baldwin County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fairhope in Baldwin County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Clark (W), Coburn, Curry, Dillard, Drake, Flowers, Frazier, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Junkins, Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Melton, Moon, Newman, Parker, Payne, Penry, Poole, Rains, Slaughter, Spratt, Starkey, Thomas and Zoghby.

—55

And the bill:

H. 189. Relating to Talladega County, requiring the inspection of all asphalt plants eligible to bid on the sale of asphalt plant mix to the county or any municipality within the county by the highway department.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Butler, Clark (W), Coburn, Curry, Dillard, Drake, Flowers, Frazier, Freeman, Gaston, Goodwin, Grayson, Hall, Hammett, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hogan, Johnson (RG), Junkins, Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis,

McMillan, Melton, Moon, Newman, Parker, Payne, Penry, Rains, Seibels, Slaughter, Spratt, Starkey, Thomas, White (G) and Zoghby.

—56

And the bill:

H. 193. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Black, Box, Breedlove, Brooks, Bryant, Bugg, Curry, Dillard, Flowers, Frazier, Goodwin, Grayson, Hammett, Harvey, Headley, Higginbotham, Hill, Hogan, Junkins, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, McMillan, Moon, Newman, Parker, Payne, Penry, Rains, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, White (G) and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 194. To implement the Pike County Government Modernization Plan; to further provide for the operation of certain county offices; to abolish the offices of tax assessor and tax collector and to merge such functions into a new revenue commissioner and to provide for such officer's qualifications, election procedures, duties, powers and compensation; to remove and transfer duties of chairman of the Pike County Commissioner from the judge of probate to the full-time chairman of the county commission and to provide for the qualifications, election procedures, duties, powers and compensation of such chairman; to provide for the reelection of the tax assessor and tax collector under certain conditions; to further provide for the compensation of the judge of probate; and to provide for the effective dates of this act, which dates shall be specified in different years.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Carter, Clark (W), Curry, Dillard, Drake, Flowers, Frazier, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Junkins, Kennedy, Knight, Kvalheim, Layson, Lindsey, Marietta, Marks, Mathis,

McMillan, Melton, Moon, Newman, Parker, Payne, Penry, Poole, Reed, Seibels, Slaughter, Spratt, Starkey, Turnham, White (G) and Zoghby.

—57

And the bill:

H. 225. To propose an amendment to the Constitution of Alabama of 1901, relating to fire protection districts in Washington County, so as to provide for the levy and collection of certain additional property tax for fire protection in said county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Bowling, Box, Breedlove, Brooks, Bryant, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Curry, Dillard, Drake, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hooper, Johnson (RG), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McMillan, Melton, Moon, Newman, Parker, Payne, Penry, Poole, Rains, Reed, Seibels, Slaughter, Spratt, Starkey, Thomas, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—68

And the bill:

H. 235. Relating to Lawrence County, providing for an advisory referendum election relating to the manner of electing the members of the county commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Bowling, Box, Breedlove, Brooks, Bryant, Carter, Coburn, Curry, Dillard, Drake, Faulk, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Hall, Hammett, Harvey, Headley, Hettinger, Hill, Hogan, Knight, Kvalheim, Layson, Logan, Marks, Mathis, McMillan, Melton, Moon, Newman, Parker, Payne, Penry, Poole, Reed, Seibels, Slaughter, Spratt, Starkey, Thomas, Venable, White (F), White (L) and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 242. To alter or rearrange the boundary lines of the City of Andalusia, Covington County, Alabama, so as to include within the corporate

limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Covington County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Clark (W), Coburn, Curry, Dillard, Drake, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Hammett, Harper, Headley, Higginbotham, Hill, Hogan, Knight, Kvalheim, Layson, Mathis, McMillan, Melton, Moon, Newman, Parker, Payne, Penry, Poole, Rains, Reed, Richardson, Seibels, Slaughter, Spratt, Starkey, Thomas, Venable, White (F), White (G), White (L), Williams and Zoghby.

—55

And the bill:

H. 243. Relating to Covington County; providing for the collection of municipal and/or county vehicle use tax on vehicles purchased from out-of-state dealers or Alabama dealers who failed to collect municipal and/or county sales taxes at the time of sale; and providing for the disposition of the proceeds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Clark (W), Coburn, Curry, Drake, Faulk, Flowers, Freeman, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Hettinger, Higginbotham, Hill, Holley, Hooper, Johnson (RW), Knight, Kvalheim, Layson, Logan, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Poole, Rains, Reed, Richardson, Seibels, Slaughter, Spratt, Starkey, Thomas, Venable, White (F), White (G), White (L), Williams, Willis and Zoghby.

—60

And the bill:

H. 264. To authorize the Choctaw County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Clark (W), Coburn, Dillard, Drake, Faulk, Freeman,

Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Headley, Hettinger, Higginbotham, Hill, Holley, Hooper, Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Poole, Reed, Richardson, Seibels, Slaughter, Spratt, Starkey, Thomas, Venable, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—60

And the bill:

H. 269. Relating to Talladega County; to provide for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Clark (W), Curry, Dillard, Faulk, Flowers, Frazier, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Layson, Marks, Mathis, McMillan, Moon, Newman, Parker, Payne, Penry, Poole, Rains, Reed, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, White (F), White (G), White (L), Williams, Willis and Zoghby.

—59

And the bill:

H. 166. Relating to Mobile County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner upon the expiration of the current terms of office of tax assessor and tax collector; prescribing the powers, duties, and term of office of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Mobile County; repealing conflicting laws; and providing that this act shall become effective only upon the approval of a majority of the qualified electors of Mobile County voting thereon in a referendum election.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Box, Breedlove, Brooks, Bugg, Buskey (JE), Clark (W), Curry, Dillard, Flowers, Frazier, Freeman, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Johnson (RG), Kennedy, Knight, Kvalheim, Layson, Logan, Marietta, Marks, Mathis, McMillan, Newman, Parker, Payne, Penry, Poole,

Rains, Reed, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Willis and Zoghby.

—56

And the bill:

H. 230. (With Amendment): Relating to the City of Prichard in Mobile County; limiting the number of city council members on the water works and sewer board to no more than two.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 230, page 1, in the title, line 15, after the word “than” by striking ~~two~~ and inserting one in lieu thereof

Further amend H. B. 230, page 1, Section 1, line 18, after the word “than” by striking ~~two~~ and inserting one in lieu thereof

And the amendment was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Box, Breedlove, Brooks, Bugg, Buskey (JE), Clark (W), Curry, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Haynes, Headley, Hettinger, Hill, Hogan, Johnson (RG), Kennedy, Kvalheim, Layson, Marietta, Marks, McMillan, Melton, Moon, Newman, Parker, Payne, Penry, Poole, Rains, Reed, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Warren, White (F), White (G), White (L), Williams and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 230. Relating to the City of Pirchard in Mobile County; limiting the number of city council members on the water works and sewer board to no more than one.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 53; Nays 0.

Yeas:

Reps. Adams, Beasley, Blake, Bowling, Box, Breedlove, Brooks, Bryant, Buskey (JE), Buskey (JL), Clark (W), Curry, Dillard, Freeman, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Haynes, Headley, Hettinger,

Higginbotham, Hill, Hogan, Johnson (RG), Kennedy, Knight, Kvalheim, Layson, Marietta, Marks, McMillan, Melton, Newman, Parker, Penry, Poole, Reed, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Williams and Zoghby.

—53

COMMITTEE MEETING

At the request of Rep. Higginbotham, permission was granted for the Standing Committee on Judiciary to meet during the sitting of the House.

And the bill:

H. 91. Relating to the City of Tuscaloosa, Tuscaloosa County, fire-fighters, so as to establish longevity pay in addition to compensation and the manner of such payments.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Black, Box, Brooks, Bryant, Buskey (JL), Campbell, Clark (W), Curry, Dillard, Faulk, Flowers, Gaston, Goodwin, Grayson, Grouby, Hamilton, Harvey, Haynes, Headley, Hill, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Marietta, Marks, Mathis, McClain, McMillan, Mikell, Newman, Parker, Penry, Poole, Rains, Slaughter, Spratt, Starkey, Thomas, Turnham, Walker, White (G), White (L) and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Frazier would have voted "Yea" on the bill, H. 91, had he been in the Chamber at the time of voting.

And the bill:

H. 93. Relating to Tuscaloosa County and the Firemen's and Policemen's Pension and Relief Fund for the City of Tuscaloosa, further amending Act No. 328, H. 854, 1959 Regular Session, providing for an increase in the amount to be deducted from the salary of each fireman and policeman, increasing the amount to be paid into the fund out of the treasury of city by the governing body of the city and to change the requirements relating to the signing of warrants or checks for payment of amounts from the fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Bowling, Box, Brooks, Bryant, Bugg, Buskey (JL), Clark (W), Coburn, Curry, Dillard, Drake, Flowers, Frazier, Fuller, Gaston, Grayson, Grouby, Hammett, Hettinger, Higginbotham, Hogan, Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Marks, Mathis, Melton, Newman, Parker, Poole, Rains, Slaughter, Spratt, Thomas, Turnham, Venable, White (G), White (L), Willis, Wright and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 165 RECONSIDERED

Having voted on the prevailing side, Rep. Flowers offered the motion to reconsider the vote by which the bill, H. 165 as amended, was passed, and the motion to reconsider was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Black, Bowling, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carter, Clark (W), Curry, Dillard, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hamilton, Hammett, Harper, Haynes, Headley, Hettinger, Higginbotham, Hill, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, Marks, McMillan, Melton, Mikell, Newman, Parker, Penry, Seibels, Slaughter, Starkey, Thomas, Turner, Turnham, Venable, White (F), White (G), Wright and Zoghby.

—57

AMENDMENT RECONSIDERED

Having voted on the prevailing side, Rep. Flowers offered the motion to reconsider the vote by which the amendment offered by him to the bill, H. 165 was adopted, and the motion to reconsider was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carter, Clark (W), Coburn, Curry, Dillard, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hamilton, Hammett, Harper, Headley, Hettinger, Higginbotham, Hill, Hooper, Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, Marks, Mathis, McMillan, Melton, Mikell, Newman, Parker,

Penry, Rains, Seibels, Slaughter, Starkey, Turner, Turnham, Venable, Walker, White (F), White (G), Willis and Zoghby.

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AMENDMENT TABLED

On motion of Rep. Flowers the amendment offered by him to the bill, H. 165, was tabled.

Yeas 56; Nays 0.

Yeas:

Reps. Adams, Black, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carter, Clark (W), Coburn, Curry, Dillard, Drake, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Hamilton, Hammett, Harper, Harvey, Hettinger, Higginbotham, Hogan, Hooper, Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, Marks, Mathis, McMillan, Melton, Mikell, Moon, Parker, Rains, Seibels, Starkey, Turner, Turnham, Venable, Walker, White (F), White (G), Wright and Zoghby.

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AMENDMENT OFFERED

Rep. Flowers offered the following amendment to the bill, H. 165:

On page 5, Section 15, in lines 20 and 21, delete the words "with the exception of work performed on church, school or cemetery property".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JL), Campbell, Carter, Coburn, Curry, Dillard, Drake, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hamilton, Hammett, Harvey, Hettinger, Higginbotham, Johnson (RW), Knight, Kvalheim, Layson, Logan, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Parker, Perdue, Rains, Rogers, Seibels, Slaughter, Spratt, Starkey, Turnham, Venable, Walker, White (F), White (G), Willis, Wright and Zoghby.

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And the bill, H. 165 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Bowling, Britnell, Brooks, Bryant, Bugg, Buskey (JL), Campbell, Carter, Curry, Dillard, Drake, Flowers, Frazier, Freeman, Fuller, Goodwin, Grouby, Hamilton, Hammett, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Johnson (RW), Knight, Kvalheim, Logan, Marks, McMillan, Melton, Newman, Parker, Perdue, Rains, Richardson,

Rogers, Seibels, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (F), White (G), Willis and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 28. (With Substitute) (With Amendment): To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1989.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1989.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated for the support of public education in Alabama for the fiscal year ending September 30, 1989, and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 4 of this Act. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs is shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean the Alabama Special Educational Trust Fund.

SECTION 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and Alabama Special Educational Trust Fund Surplus, Alabama Peace Officers' Standards and Training Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1989, and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Code of Alabama 1975, as amended, Sections 41-4-80 through 41-4-96), the provisions of The Budget Management Act of 1976 (Code of Alabama 1975, as amended, Sections 41-19-1 through 41-19-12), and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are as set forth for the purpose of indicating amounts

estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for an efficient use of funds available to and hereby appropriated by the Legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

	Fund Sources Included In Appropriation Total		
	ASETF	Trust Funds	Appropriation Total
SECTION 3.			
A. STATE AGENCIES:			
1. AMERICAN LEGION AND AUXILIARY SCHOLARSHIPS:			
(a) Support of Other Educational Ac- tivities Program			40,000
SOURCE OF FUNDS:			
(1) ASETF	40,000		
Total American Legion and Auxiliary Scholarships	40,000		40,000
To be expended under the provisions of <u>Code of Alabama 1975</u> , as amended, Sections 16-31-1 through 16-31-4.			
2. DATA SYSTEMS MANAGE- MENT DIVISION, DEPART- MENT OF FINANCE-:			
(a) Administrative Support Services Program			7,000,000
This appropriation is to be expended for capital outlay and operation and maintenance of the supercomputer.			
SOURCE OF FUNDS:			
(1) ASETF	7,000,000		
Total Department of Finance-Data Systems Management Division	7,000,000		7,000,000
3. DEBT SERVICE:			
(a) Debt Service Program			649,708
For interest on endowments as follows:			
For interest on University of Monte- vallo (Alabama College) Endow- ment, Estimated			
			34,964

For interest on Auburn University Endowment	20,280
For interest on University of Alabama Endowment	61,000
For interest on Grove Hill Endowment	600
For interest on Public School Fund En- dowment:	
Interest on 16th Section Lands, Estimated	410,000
Interest on School Indemnity Lands, Estimated	90,000
Interest on Valueless 16th Section Lands	5,825
Interest on Surplus Revenue	26,764
Interest on James Wallace Fund	275
Total Interest on Public School Fund Endowment	532,864

SOURCE OF FUNDS:

(1) ASETF	649,708	
Total Debt Service	649,708	649,708

4. DENTAL SCHOLARSHIP
AWARDS, BOARD OF:

(a) Support of Other Educational Ac- tivities Program	176,000
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SOURCE OF FUNDS:

(1) ASETF	176,000	
Total Board of Dental Scholarship Awards	176,000	176,000

To be expended under the provisions
of Code of Alabama 1975, as
amended, Sections 16-47-76 through
16-47-81.

5. EDUCATION, DEPARTMENT
OF:

(a) Administrative Services Program	14,814,851
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The proposed spending plan for the
ASETF monies included in the above
program is as follows:

Compact for Education	44,000
Operations and Maintenance of Department	3,122,013
Leadership and Management	300,000
Electronic Network	500,000

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Emergency Food Assistance
Program 65,337

SOURCE OF FUNDS:

(1) ASETF	4,031,350		
(2) Federal and Local Funds		10,783,501	
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Total Administrative Services Program	4,031,350	10,783,501	14,814,851
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(b) Adult Basic Education/Community Education Program			5,929,414
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The ASETF monies included in the above program are to be distributed by the Department of Education as follows:

Adult Basic Education 2,439,798

Community Education 674,669

Of the above appropriation to the Department of Education for Community Education, \$85,000 shall be allocated to the Birmingham Board of Education's Department of Community Education.

SOURCE OF FUNDS:

(1) ASETF	3,114,467		
(2) Federal and Local Funds		2,814,947	
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Total Adult Basic Education/Community Education Program	3,114,467	2,814,947	5,929,414
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(c) Financial Assistance Program			249,331,093
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Elementary Teachers
Scholarships 23,760

To be paid in accordance with Code of Alabama 1975, as amended, Section 16-23-17.

SOURCE OF FUNDS:

(1) ASETF	23,760		
(2) Federal and Local Funds		249,307,333	
<hr/>			
Total Financial Assistance Program ...	23,760	249,307,333	249,331,093
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(d) Instructional Technical Assistance Program			10,731,895
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Basic Skills Program 949,215

Early Childhood Education

Administration 97,998

Instructional Technical

Assistance 1,283,181

Special Education

Administration 400,902

Vocational Education

Administration 871,262

National Geographic Grant-Matching
Funds 50,000

SOURCE OF FUNDS:

(1) ASETF 3,652,558

(2) Federal and Local Funds 7,079,337

Total Instructional Technical Assis- tance Program	3,652,558	7,079,337	10,731,895
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(e) Local Agency Support Program			21,051,684
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The proposed spending plan for the
ASETF monies included in the above
program is as follows:

Advanced Placement 468,891

Driver Education, School Bus Driver
Training and Vehicle Safety
Inspection 249,450

Free Textbooks 15,365,118

In addition to the above appropriation
for free textbooks, there is hereby
appropriated \$1,388,677 to be con-
ditioned on the availability of funds
in the ASETF and the approval of
the Governor.

Guidance and Counseling 150,000

Operations and
Maintenance 1,034,502

School Attendance 76,204

School Facilities and Architectural
Services 196,934

Testing 1,409,464

State Board's Educational Accounta-
bility Program 200,000

For the implementation of measures to
achieve educational accountability,
as adopted by resolutions of the State
Board of Education.

SOURCE OF FUNDS:

(1) ASETF 19,150,563

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(2) Federal and Local Funds	1,901,121		
Total Local Agency Support Program	19,150,563	1,901,121	21,051,684

(f) Regulation Program			2,469,861
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Operations and Maintenance	914,998		
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Teacher Certification and Accreditation	385,851		
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Undergraduate/Graduate Program Approval	251,232		
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SOURCE OF FUNDS:

(1) ASETF	1,552,081		
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(2) Federal and Local Funds		917,780	
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Total Regulation Program	1,552,081	917,780	2,469,861
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(g) Support of Other Educational Activities Program			8,839
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Education of Dependents of Blind Parents	8,839		
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SOURCE OF FUNDS:

(1) ASETF	8,839		
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Total Support of Other Educational Activities Program	8,839		8,839
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For reimbursement of every state institution of higher learning, college, university, or technical college or junior college in which benefits are given to dependents of blind parents under the provisions of Code of Alabama 1975, as amended, Sections 16-33-1 through 16-33-12.

(h) Support of State Universities Program			50,000
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SOURCE OF FUNDS:

(1) Federal and Local Funds		50,000	
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Total Support of State Universities Program		50,000	50,000
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TOTAL DEPARTMENT OF EDUCATION:

SOURCE OF FUNDS:

(1) ASETF	31,533,618		
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(2) Federal and Local Funds	<u>271,757,019</u>		
GRAND TOTAL DEPARTMENT OF EDUCATION	31,533,618	271,757,019	<u>303,290,637</u>
6. EDUCATION, STATE BOARD OF-MINIMUM PROGRAM AND PUBLIC SCHOOL FUND:			
(a) Financial Assistance Program	627,124,901		
SOURCE OF FUNDS:			
(1) ASETF	578,448,416		
(2) Public School Fund		44,000,000	
(3) Local Funds		<u>4,676,485</u>	
Total Minimum Program, Public School Fund and Local Funds	578,448,416	48,676,485	627,124,901

The above appropriation shall be paid in accordance with Code of Alabama 1975, as amended, Sections 16-13-50 through 16-13-59, and all other legislation pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1988-89 is based on 22,613.28 teacher units. It is provided in the event that there are more than 22,613.28 earned teacher units for the fiscal year 1988-89, then such amounts necessary to pay for these excess teacher units are hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above, then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid. It is further provided that in the event that there be less than \$44,000,000 available from the Public School Fund for the fiscal year 1988-89, then such amount necessary to pay any such shortfall in the Public School Fund monies is hereby appropriated from the ASETF.

In allocating the funds in subsection (a) the State Board of Education shall allot as follows:

For "Board of Adjustment" awards in accordance with the Minimum Program statutes and regulations an amount not to exceed \$300,000.

For "Salaries" the total shall not exceed the sum of \$472,174,234. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$22,812	3,138.72	\$ 71,600,480
I	21,359	13,904.91	296,994,973
II	18,597	5,569.65	103,578,781
III	15,658	0.00	0
IV	13,598	0.00	0
		22,613.28	\$472,174,234

For "Principal Supplement" an amount not to exceed \$100 for each earned teacher unit but the total shall not exceed the sum of \$2,261,328.

For "Other Current Expense" an amount not to exceed \$4,246.28 for each earned teacher unit but the total shall not exceed the sum of \$96,022,319. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$1,322,877.

The above appropriation contained in subsection (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but the total shall not exceed the sum of \$55,044,143. No funds provided herein shall be used for the payment of any personnel salaries not under the direct control, employment, and supervision of local boards of education.

7. EDUCATION, STATE BOARD
OF-LOCAL BOARDS:

(a) Financial Assistance Program 693,237,206

SOURCE OF FUNDS:

(1) ASETF 693,237,206

Total State Board of Education-Local Boards	693,237,206	693,237,206
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To be distributed by the State Board of Education for:

(1) Teachers' Sick Leave 4,335,405

Of the appropriation hereinabove made for Teachers' Sick Leave, the rate of not more than \$20.50 per day is hereby appropriated. It is the intent of the Legislature that the rate of local supplements paid by each school system for teachers' sick leave for the 1985-86 fiscal year be continued at that rate through the 1988-89 fiscal year. The above appropriation shall be in addition to any local supplements paid for teachers' sick leave within a system.

(2) Support Personnel Sick Leave 1,769,017

Of the appropriation hereinabove made for Support Personnel Sick Leave, in accordance with Code of Alabama 1975, as amended, Section 16-1-18, the rate of not more than \$17 per day is hereby appropriated.

(3) Teachers' Personal Leave 1,086,095

The appropriation hereinabove made for Teachers' Personal Leave provides for two (2) days personal leave

at the rate of not more than \$20.50 per day per teacher unit for each teacher employed (except for ECIA Chapter 1 and 2 teachers). It is the intent of the Legislature that the rate of local supplements paid by each school system for teachers' personal leave for the 1985-86 fiscal year be continued at that rate through the 1988-89 fiscal year. The above appropriation shall be in addition to any local supplements paid for teachers' personal leave within a system.

- (4) Support Personnel Personal
Leave 479,060

The appropriation hereinabove made for Support Personnel Personal Leave, in accordance with the provisions of Code of Alabama 1975, as amended, Section 16-8-26.1, provides for two (2) days personal leave at the rate of not more than \$17 per day.

- (5) Classroom Instructional
Supplies 21,711,250

Of the appropriation hereinabove made for Classroom Instructional Supplies there is hereby appropriated an amount not to exceed five hundred fifty dollars (\$550) per teacher unit for grades K-12 for all teachers employed (except ECIA Chapter 1 and 2 teachers). Notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-40, the above appropriation of \$21,711,250 shall be expended solely for the purchase of instructional supplies to be used in the classrooms within each public school system. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying that funds appropriated in this section have been expended only for instructional supplies or instructional equipment for classrooms as provided and required in Section 16-13-13, Code of Alabama, 1975, as amended. On the affidavit, the superintendent shall state the amount of funds expended for use by classroom teachers and the amount of

funds expended for collective purchases for instructional purposes. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts. Any person expending funds not in compliance with this appropriation or Section 16-13-13, Code of Alabama, 1975, as amended, or falsifying certification of expenditures, shall be guilty of a Class A misdemeanor. Any funds appropriated herein and not expended for said purpose by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 50% of its allocation of the above appropriation for instructional supplies notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-144. Any law, rule or regulation to the contrary notwithstanding, each local board of education may purchase classroom school supplies in bulk pursuant to the competitive bid law, or upon resolution passed at a meeting called for that purpose and with notice, any board may allocate funds to individual schools or to teachers to purchase such classroom supplies by the voucher system and proper accounting safe-guards. Such method shall be determined prior to the beginning of the first term of the school year, by each local school board.

- (6) Kindergarten Instructional
Supplies 1,079,840

The above appropriation of \$1,079,840 shall be expended solely for the purchase of kindergarten instructional supplies to be used in the classrooms within each public school system. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying that funds appropriated in this section have been expended only for kindergarten instructional supplies or instructional equipment for classrooms. On the affidavit, the superintendent shall state the amount of funds expended for use by classroom teachers and the amount of

funds expended for collective purchases for instructional purposes. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts. Any person expending funds not in compliance with this appropriation or falsifying certification of expenditures shall be guilty of a Class A misdemeanor. Any funds appropriated herein and not expended for said purpose by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 50% of its allocation of the above appropriation for kindergarten instructional supplies.

(7) Maintenance 16,398,059

To be distributed on a formula to all local boards of education by the State Board of Education.

(8) Continuation of Funds Previously
Granted for Special
Education 23,400,161

(9) Special Schools for Special
Education 2,151,500

To be distributed by the State Board of Education as follows: \$450,000 shall be allocated to the Tuscaloosa Regional Handicapped School a portion of which shall be used for Alberta City Summer Program for Mentally Retarded; \$45,000 shall be allocated to the Regional Center for Handicapped Children in Pickens County; \$405,000 shall be allocated to the Southwest Alabama School for Deaf and Blind; \$22,500 shall be allocated to the Jasper Shriner School; \$67,500 shall be allocated to Coffee County Board of Education-Project Independence; \$38,700 shall be allocated to Auburn University Preschool for Multi-handicapped Children; \$67,500 shall be allocated to the Montgomery County Board of Education for a program for deaf students in public schools; \$90,000 shall be allocated to the Special Education School in Vinemont in Cullman County; \$135,000 shall be

allocated to the Dothan City Board of Education for a program for gifted children; \$27,000 shall be allocated to the Houston County Board of Education for a program for gifted children; \$90,000 shall be allocated to Cullman City Special Education Program; \$67,500 shall be allocated to the Cleveland School for the Handicapped; \$15,300 shall be allocated to the Tannehill Learning Center; \$130,500 shall be allocated to the Alabama Institute for Deaf and Blind to implement the purpose of Code of Alabama 1975, as amended, Section 16-39-3, and P.L. 94-142; \$500,000 shall be allocated to the Chauncey Sparks Center for Developmental and Learning Disorders.

(10) Kindergarten Teacher
Units 74,426,472

The above appropriation is for 3,039.20 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$61,343,385. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$22,812	152.56	\$ 3,480,199
I	21,359	1,513.52	32,272,274
II	18,597	<u>1,373.12</u>	<u>25,535,912</u>
		3,039.20	\$61,343,385

For "Other Current Expense" an amount not to exceed \$4,246.28 for each earned teacher unit but the total shall not exceed the sum of \$12,905,294. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$177,793.

Of the above appropriation for Kindergarten Teacher Units, twelve (12) units shall be allocated to the Alabama Institute for Deaf and Blind for the Preschool Deaf and Blind Program.

It is the intent of the Legislature to fully fund a statewide kindergarten program at the ratio of seventeen (17) students in average daily attendance for the first four (4) months to one (1) teacher unit. In the event less than 3,039.20 teacher units are earned for the fiscal year 1988-89, then such amount shall not be allotted or paid. In the event more than 3,039.20 teacher units are earned for the fiscal year 1988-89, then such amounts necessary to pay for these excess teacher units are hereby appropriated.

- (11) Continuation of Teacher Units to
reduce pupil-teacher ratio in grades
1-6 16,071,375

The above appropriation is for 650
teacher units and includes salaries,
other current expense, and capital
improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$13,273,268. The
State Board of Education shall have the discretion to redistribute the number
of teacher units allotted in each rank provided, however, the total amount
allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$22,812	80.02	\$ 1,825,416
I	21,359	307.00	6,557,213
II	18,597	<u>262.98</u>	<u>4,890,639</u>
		650.00	\$13,273,268

For "Other Current Expense" an amount not to exceed \$4,246.28 for
each earned teacher unit but the total shall not exceed the sum of \$2,760,082.
It is the intent of the Legislature that all lunchroom workers' salaries be
fully funded by local school boards from these and any other local and/or
state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each
earned teacher unit but the total shall not exceed the sum of \$38,025.

- (12) Teacher Units to Reduce Pupil-
teacher ratio in Grade 1 .. 2,763,836

The above appropriation is for 110
teacher units and includes salaries,
other current expense, and capital
improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$2,290,310. The
State Board of Education shall have the discretion to redistribute the number
of teacher units allotted in each rank provided, however, the total amount
allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$22,812	22.00	\$ 501,864
I	21,359	55.00	1,174,745
II	18,597	<u>33.00</u>	<u>613,701</u>
		110.00	\$2,290,310

For "Other Current Expense" an amount not to exceed \$4,246.28 for
each earned teacher unit but the total shall not exceed the sum of \$467,091.
It is the intent of the Legislature that all lunchroom workers' salaries be
fully funded by local school boards from these and any other local and/or
state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each
earned teacher unit but the total shall not exceed the sum of \$6,435.

- (13) Supportive Teacher
Units 44,321,160

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen (15) units or fraction thereof earned on regular units in the Minimum Program, Kindergarten Teacher Units in (10) and Continuation Teacher Units in (11). The above appropriation is for 1,753.50 teacher units and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$36,772,728. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$22,812	349.12	\$ 7,964,125
I	21,359	974.42	20,812,637
II	18,597	<u>429.96</u>	<u>7,995,966</u>
		1,753.50	\$36,772,728

For "Other Current Expense" an amount not to exceed \$4,246.28 for each earned teacher unit but the total shall not exceed the sum of \$7,445,852. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$102,580.

(14) Special Education Teacher
Units 89,146,910

The above appropriation is for 3,500 teacher units and includes salaries, other current expense, capital improvements and transportation at the following rates:

For "Salaries" the total shall not exceed the sum of \$73,316,980. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$22,812	300.65	\$ 6,858,428
I	21,359	2,520.00	53,824,680
II	18,597	<u>679.35</u>	<u>12,633,872</u>
		3,500.00	\$73,316,980

For "Other Current Expense" an amount not to exceed \$4,246.28 for each earned teacher unit but the total shall not exceed the sum of \$14,861,980. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$204,750.

For "Transportation" the total shall not exceed \$763,200. No fund provided herein shall be used for the payment of any personnel salaries not under the direct control, employment, and supervision of local board of education.

(15) Driver Education Teacher

Units 7,290,889

The above appropriation is for 290 driver education units or other teacher units as approved by the local Board of Education and includes salaries, other current expense, and capital improvements at the following rates:

For "Salaries" the total shall not exceed the sum of \$6,042,503. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided, however, the total amount allotted for salaries shall remain the same.

<u>Rank</u>	<u>Salary Allotment</u>	<u>Number of TU</u>	<u>Total</u>
AA	\$22,812	23.00	\$ 524,676
I	21,359	200.01	4,272,014
II	18,597	66.99	1,245,813
		290.00	\$6,042,503

For "Other Current Expense" an amount not to exceed \$4,246.28 for each earned teacher unit but the total shall not exceed the sum of \$1,231,421. It is the intent of the Legislature that all lunchroom workers' salaries be fully funded by local school boards from these and any other local and/or state funds available and not just from funds generated by lunchroom sales.

For "Capital Improvements" an amount not to exceed \$58.50 for each earned teacher unit but the total shall not exceed the sum of \$16,965.

(16) Vocational

Education 74,803,277

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent. Of the above appropriation, \$1,344,187 shall be allocated for handicapped students in Vocational Education and \$1,097,892 shall be allocated for disadvantaged students in Vocational Education. Of the above appropriation, \$200 shall be allotted to each vocational teacher unit funded herein for support and operations. Notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-40, of the above appropriation, \$570,400 shall be expended solely for vocational support and instructional supplies. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying that funds appropriated in that section have been expended only for vocational support and instructional supplies. On the affidavit, the superintendent shall state the amount of funds expended for use by vocational teachers and the amount of funds expended for collective purposes for vocational purchases for vocational and instructional supplies. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts. Any person expending funds not in compliance

with this appropriation or Section 16-13-13, Code of Alabama, 1975, as amended, or falsifying certification of expenditures, shall be guilty of a Class A misdemeanor. Any of the \$570,400 appropriated herein and not expended for vocational support and supplies by any school system shall revert to the Alabama Special Educational Trust Fund. In the event proration is declared in the Alabama Special Educational Trust Fund, each local school system shall expend at least 50% of its allocation of the \$570,400 appropriated herein for support and instructional supplies notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-144.

Any law, rule or regulation to the contrary notwithstanding, each local board of education may purchase classroom school supplies in bulk pursuant to the competitive bid law, or upon resolution passed at a meeting called for the purpose and with notice, any board may allocate funds to individual schools or to teachers to purchase such classroom supplies by the voucher system and proper accounting safe-guards. Such method shall be determined prior to the beginning of the first term of the school year, by each local school board.

(17) Teachers' Free Time ... 3,500,000

To be distributed by the State Board of Education to all local boards of education and the Alabama Institute for Deaf and Blind on the basis of average daily attendance for the preceding school year to employ teacher aides so as to provide each teacher employed a minimum of thirty minutes of time free from instructional or supervisory responsibilities each teaching day.

(18) Salary Increases for Tenured Teachers (Estimated) 67,065,303

To be distributed by the State Board of Education to the boards of all school districts to continue the additional salary allotment of ten percent of those allotments specified under the Minimum Program for the fiscal year 1984-85 for all state-funded teacher units meeting criteria established by the State Board of Education.

(19) Support Personnel Salary Increase (Estimated) 23,737,250

To be distributed by the State Board of Education to the boards of all school districts to continue those salary increases and the state's share of salary schedule adjustments granted for fiscal year 1985-86 to all full-time support personnel and all adult and student school bus drivers of all local boards of education and all full-time support personnel and all adult and

student school bus drivers in the schools under their jurisdiction with the exception of those persons listed on the official Teachers' Institute List. Full-time support personnel shall be defined as those support personnel working a minimum of 20 hours per week. Pursuant to Act 85-516 and Act 85-796, those support personnel working less than a minimum of 20 hours per week shall receive pro rata increases based on the percentage of full-time work as defined above.

(20) Library Enhancement

(K-12) 5,100,000

To be used for the purchase of books and/or audio visual equipment and other library materials, supplies and equipment including book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes. To be distributed based upon a formula to be determined by the State Board of Education.

(21) Social Security (FICA)-State Share (Estimated) 99,203,060

(22) 7.5% Salary Increase for State-funded Teacher Units and full-time support personnel 74,833,413

(23) Vocational Equipment 4,000,000

To be distributed on a formula to all local boards of education by the State Board of Education.

(24) Salary Increase for Locally-funded Teacher units 5,250,000

In addition to the above appropriation, there is hereby appropriated an additional \$2,625,000 for a salary increase supplement for locally-funded teacher units to be conditioned on the availability of funds in the ASETF and the approval of the Governor.

(25) Capital Needs

There is hereby appropriated \$10,000,000 for capital needs to be conditioned on the availability of funds in the ASETF and the approval of the Governor. If said

appropriation or any part of said appropriation is released then such appropriation is to be used for computer, instructional and/or transportation equipment needs to be distributed to local school systems on the same basis as other current expenses. Each local school system shall submit to the State Department of Education a plan for the expenditure of said funds. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying how such funds were actually expended.

(26) Transportation Equipment

There is hereby appropriated \$5,000,000 for transportation equipment to be conditioned on the availability of funds in the ASETF and the approval of the Governor. If said appropriation or any part of said appropriation is released by the Governor, such funds shall be distributed to the local school systems on a formula basis as determined by the State Board of Education.

(27) Capital Facility Renovation,
Maintenance and
Repair

29,313,874

Of the above appropriation, \$25,000,000 shall be used for buildings and building repair, renovation and maintenance. Said sum shall be distributed to each local school system by the State Board of Education on a formula based on each system's proportionate number of students in average daily attendance. The remainder of the above appropriation shall be distributed to local school systems by the State Superintendent of Education for critical needs.

8. STATE BOARD OF EDUCATION—IN-SERVICE EDUCATIONAL CENTERS:

(a) Financial Assistance Program

2,031,000

For the continuation of the program of in-service educational centers established by Act 84-622.

SOURCE OF FUNDS:

(1) ASETF

2,031,000

Total State Board of Education—In-service Educational Centers	2,031,000	2,031,000
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The State Board of Education shall administer the In-service Educational Centers and shall monitor said centers for compliance with established accountability standards. Of the above appropriation, \$168,000 may be used by the State Board of Education for the administration and monitoring of said centers. The above appropriation shall be distributed in the following manner:

(aa) The sum of \$85,000 shall be distributed to each of the following in-service centers:

- (1) Alabama A & M University,
- (2) Alabama State University,
- (3) Athens State College,
- (4) Auburn University,
- (5) Jacksonville State University,
- (6) Troy State University,
- (7) University of Alabama,
- (8) University of Alabama-Birmingham,
- (9) University of Montevallo,
- (10) University of North Alabama, and
- (11) University of South Alabama.

(bb) The remainder of the above appropriation shall be allotted to each in-service center based on the number of state-funded teacher units earned in each region as reported by the State Department of Education, Revised Calculations for 1987-88 and the number of teachers employed as reported on the 1987-88 LEA Personnel Report for Additional Allocation for Special Education and State Vocational Education Teachers. Each in-service center shall be affiliated with the same region each center served on October 1, 1986. In addition, the appropriation made in (aa) and (bb) above shall be distributed to the named in-service centers within five (5) days of each quarterly allotment to the State Department of Education.

In addition to the above appropriation of \$2,031,000, there is hereby appropriated \$700,000 for educational in-service centers to be conditioned on the availability of funds in the ASETF and the approval of the Governor. Said conditional shall be the first of any conditionals released by the Governor from the ASETF.

9. EDUCATION, STATE BOARD OF JUNIOR COLLEGE SYSTEM:

(a) Operations and Maintenance	65,261,336	22,960,007	88,221,343
(b) Social Security (FICA)-State Share	5,128,682		5,128,682
(c) High Technology Equipment	190,076		190,076
(d) Library Enhancement	221,245		221,245
(e) Auxiliary Enterprises		7,553,058	7,553,058
(f) Restricted Funds		21,142,459	21,142,459
(g) Capital Outlay/Program Enhancement	450,000		450,000
(h) Equipment	890,233		890,233

The above appropriation shall be used to update equipment for training for business.

SOURCE OF FUNDS:

(1) ASETF	72,141,572		
(2) Other Funds		51,655,524	
Total State Board of Education-Junior College System	72,141,572	51,655,524	123,797,096

(1) The Operations and Maintenance appropriation above of \$65,261,336 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed herein on the following formula:

(a) Junior colleges with credit-producing programs in Alabama correctional institutions shall be reimbursed for tuition that is waived but the total amount reimbursed shall not exceed the sum of \$166,529.

(b) The sum of \$200,000 to each junior college.

(c) The remainder of the appropriation is to be allotted to each junior college in accordance with its percentage of the total credit hours attempted for the summer quarter of the school year 1986-87 and the fall, winter and spring quarters of the school year 1987-88 by all the junior colleges listed in this appropriation, provided, however, the nursing and allied health credit hours will be funded on a cost basis based upon the summer quarter of the school year 1986-87 and the fall, winter, and spring quarters of the school year 1987-88 in accordance with the number of quarter hours attempted within the departments. However, only major allied health courses will be funded; related courses will be funded the same as non-health programs. Continuing education unit hours shall be excluded from the computations

herein required. The above appropriation is to be distributed to the following junior colleges: (1) Alexander City State Junior College; (2) S.D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Community College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George C. Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville; (21) Shelton State Community College.

(2) The High Technology Equipment appropriation above of \$190,076 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed above in (1c) on a needs basis as determined by the Chancellor of the Postsecondary Education System.

(3) The Library Enhancement appropriation above of \$221,245 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed above in (1c) on a fall quarter 1988-89 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

10. EDUCATION, STATE BOARD OF-TECHNICAL COLLEGE SYSTEM:

(a) Operations and Maintenance	52,637,621	16,744,596	69,382,217
(b) Social Security (FICA)-State Share	3,695,160		3,695,160
(c) High Technology Equipment	190,076		190,076
(d) Library Enhancement	114,509		114,509
(e) Auxiliary Enterprises		5,448,520	5,448,520
(f) Restricted Funds		13,170,683	13,170,683
(g) Equipment	1,703,290		1,703,290

Of the above appropriation, \$1,653,290
shall be used to update equipment
for training for industry.

SOURCE OF FUNDS:

(1) ASETF	58,340,656		
(2) Other Funds		35,363,799	
Total State Board of Education-Tech- nical College System	58,340,656	35,363,799	93,704,455

(1) The Operations and Maintenance appropriation above of \$52,637,621 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed herein as follows. Such distribution shall be made on the same formula basis as was used in fiscal year 1987-88 for the distribution of the operations and maintenance appropriation.

(a) Technical Colleges with programs generating contact hours at Alabama correctional institutions shall be reimbursed for tuition that is waived but the total amount reimbursed shall not exceed the sum of \$480,625.

(b) The remainder of the appropriation is to be allocated to each technical college in accordance with a formula adopted by the State Board of Education. The formula for a given program may not differ between colleges. The application of the formula shall be standard for all colleges. The following colleges shall receive the distribution as provided hereinabove:

(1) Atmore State Technical College; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Division; (7) Carver State Technical College; (8) J.F. Drake State Technical College; (9) Gadsden State Community College-Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J.F. Ingram State Technical College; (12) Theodore A. Lawson State Community College-Technical Division; (13) Douglas McArthur State Technical College; (14) Muscle Shoals State Technical College; (15) Northwest Alabama State Technical College; (16) N.F. Nunnelle State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Council Trenholm State Technical College; (24) C.A. Fredd State Technical College; (25) Walker State Technical College; (26) George C. Wallace State Community College-Technical Division (Selma); (27) George C. Wallace State Community College-Technical Division (Dothan); (28) George C. Wallace State Community College-Technical Division (Hanceville).

(2) The High Technology Equipment appropriation above of \$190,076 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed above in (1b) on a needs basis as determined by the Chancellor of the Postsecondary Education System.

(3) The Library Enhancement appropriation above of \$114,509 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed above in (1b) on a fall quarter 1988-89 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

11. FINE ARTS, ALABAMA SCHOOL OF:

(a) Fine Arts Program	1,322,935
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SOURCE OF FUNDS:

(1) ASETF	945,993	
(2) ASETF-Teachers' Pay Raise (7.5%)	53,685	
(3) Federal and Local Funds	323,257	

Total Alabama School of Fine Arts	999,678	323,257	1,322,935
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12. FIREFIGHTERS PERSONNEL
STANDARDS AND EDUCA-
TION COMMISSION, ALA-
BAMA/ALABAMA FIRE
COLLEGE-SHELTON STATE
COMMUNITY COLLEGE:

(a) Operations and Maintenance	466,847	86,219	553,066
(b) Social Security (FICA)-State Share	35,468		35,468
(c) Auxiliary Enterprises		575,592	575,592
(d) Restricted Funds		326,207	326,207

SOURCE OF FUNDS:

(1) ASETF	502,315		
(2) Other Funds		988,018	

Total Alabama Firefighters Personnel
Standards and Education Commis-
sion/Alabama State Fire College-
Shelton State Community College ..

502,315	988,018	1,490,333
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13. GADSDEN STATE COMMU-
NITY COLLEGE:

(a) Technical Assistance Program			300,000
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(For merger expense.)

SOURCE OF FUNDS:

(1) ASETF	300,000		
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Total Gadsden State Community
College

300,000		300,000
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It is the intent of the Legislature that no line-item appropriation from the ASETF to Gadsden State Community College for merger expense be made after the fiscal year ending September 30, 1990.

14. HEALTH INSURANCE
BOARD, PUBLIC EDUCATION
EMPLOYEES':

(a) Administrative Support Services Program			107,573,360
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The above appropriation of \$107,573,360 shall be expended for Hospital/Medical or Dental Insurance Assistance for professional employees, full-time support employees and adult school bus drivers for grades K-14 paid from State or local funds, employees of the Alabama Institute for the Deaf and Blind, and

retired employees eligible under the provisions of Code of Alabama 1975, as amended, Section 16-25A-17. Full-time support employees shall be defined as those support employees working a minimum of 20 hours per week. The appropriation shall be allocated according to the provisions of Code of Alabama 1975, as amended, Section 16-25A-17.

It is the intent of the Legislature that the sum of \$107,573,360 appropriated hereinabove shall fund the Public Education Employees Health Insurance Program so that beginning and during fiscal year 1989 all eligible full-time employees shall pay the premium rate of \$2.00 per month and all retired eligible employees shall pay the rate of \$1.14 per month. The above contribution rate shall not be adjusted by any administrative action by the Public Education Employees Health Insurance Board. The benefit level shall not be increased by any administrative action by the Public Education Employees Health Insurance Board. Furthermore it is the intent of the Legislature that no part of the above appropriation be used to pay for dependent coverage under said health insurance plan.

SOURCE OF FUNDS:

(1) ASETF	107,573,360	
Total Public Education Employees' Health Insurance Board	107,573,360	107,573,360

15. HIGHER EDUCATION, ALABAMA COMMISSION:

(a) Planning and Coordination Services Program	2,129,610
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Operations and Maintenance	1,239,198
Program Evaluation	200,037
Research Enhancement Program	275,000

SOURCE OF FUNDS:

(1) ASETF	1,714,235	
(2) Federal and Local Funds		415,375

Total Planning and Coordination Services Program (Total Operations)	1,714,235	415,375	2,129,610
(b) Student Financial Aid Program ...			29,262,578
The proposed spending plan for the ASETF monies included in the above program is to be distributed through ACHE as follows:			
(1) Educational Grants Program	3,037,823		
(2) Alabama National Guard Educational Assistance	200,000		
To be expended in accordance with Code of Alabama 1975, as amended, Sections 31-10-1 through 31-10-4.			
(3) Emergency Secondary Education Scholarships	1,057,333		
To be expended in accordance with Code of Alabama 1975, as amended, Sections 16-23-18 through 16-23-23.			
(4) Chiropractic Scholarships	48,103		
To be expended under the provisions of Code of Alabama 1975, as amended, Section 16-5-11.			
(5) Alabama Student Assistance Program	2,002,457		
SOURCE OF FUNDS:			
(1) ASETF	6,345,716		
(2) Federal and Local Funds		22,916,862	
Total Student Financial Aid Program	6,345,716	22,916,862	29,262,578
(c) Support of Other Educational Activities Program			9,257,754
The proposed spending plan for the ASETF monies included in the above program is to be distributed through ACHE as follows:			
(1) Network of Alabama Academic Libraries (NAAL)	1,080,342		
(2) Southern Regional Education Board (SREB)	395,000		
(3) EPSCoR-National Science Foundation Program	2,000,000		
(4) Eminent Scholars Program	5,200,000		
(5) Alabama Small Business Development consortium	552,412		

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SOURCE OF FUNDS:

(1) ASETF	9,227,754		
(2) Federal and Local Funds		30,000	
Total Support of Other Educational Activities Program	9,227,754	30,000	9,257,754

**TOTAL ALABAMA COMMISSION
ON HIGHER EDUCATION:**

SOURCE OF FUNDS:

(1) ASETF	17,287,705		
(2) Federal and Local Funds		23,362,237	
Grand Total Alabama Commission on Higher Education	17,287,705	23,362,237	40,649,942

16. INDUSTRIAL DEVELOPMENT TRAINING INSTITUTE, ALABAMA:

(a) Industrial Training Program	1,712,258		1,712,258
(b) Social Security (FICA)-State Share	70,709		70,709
(c) Industrial Development Program	1,000,000	34,471	1,034,471

SOURCE OF FUNDS:

(1) ASETF	2,782,967		
(2) Federal and Local Funds		34,471	
Total Alabama Industrial Development Training Institute	2,782,967	34,471	2,817,438

17. MARINE ENVIRONMENTAL SCIENCES CONSORTIUM:

(a) Support of Other Educational Activities Program			1,368,553
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SOURCE OF FUNDS:

(1) ASETF	1,055,553		
(2) Federal and Local Funds		313,000	
Total Marine Environmental Sciences Consortium	1,055,553	313,000	1,368,553

18. MEDICAL SCHOLARSHIPS AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program			677,000
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SOURCE OF FUNDS:

(1) ASETF	677,000		
Total Board of Medical Scholarships Awards	677,000		677,000
To be expended under the provisions of <u>Code of Alabama 1975</u> , as			

amended, Sections 16-47-121
through 16-47-129.

19. OPTOMETRIC SCHOLAR-
SHIP AWARDS, BOARD OF:

(a) Support of Other Educational Ac-
tivities Program 125,000

SOURCE OF FUNDS:

(1) ASETF 125,000

Total Board of Optometric Scholarship
Awards 125,000 125,000

To be expended under the provisions
of the Code of Alabama 1975, as
amended, Sections 34-22-60 through
34-22-65.

20. PEACE OFFICERS' STAND-
ARDS AND TRAINING COM-
MISSION, ALABAMA:

(a) Professional and Occupational Li-
censing and Regulation Program 222,722

(b) Certified Law Enforcement Acad-
emy Program 785,925

Of the above appropriation for the Cer-
tified Law Enforcement Academy
Program, the \$435,925 of ASETF
monies included therein shall be ex-
pended as follows:

Mobile Police Training
Academy 25,000

Jacksonville State
University 118,264

University of Alabama 118,264

James H. Faulkner Jr.
College 118,264

Troy State University at
Montgomery 56,133

Total 435,925

SOURCE OF FUNDS:

(1) ASETF 658,647

(2) Alabama Peace Officers' Standards
and Training Fund-as provided in
Code of Alabama 1975, as amended,
Sections 36-21-40 through 36-21-
50 350,000

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Total Alabama Peace Officers' Standards and Training Commission	658,647	350,000	1,008,647
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21. POSTSECONDARY EDUCATION DEPARTMENT:

(a) Postsecondary Two-Year Institutions Program			2,214,897
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Chancellor's Office Operations	1,300,350
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Program Planning and Enhancement	95,816
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Displaced Homemakers' Program	150,000
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Institutional Building and Equipment Rental	132,000
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SOURCE OF FUNDS:

(1) ASETF	1,678,166		
(2) Federal and Local Funds		536,731	

Total Postsecondary Education Department	1,678,166	536,731	2,214,897
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22. PRISON EDUCATION EXPANSION:

(a) Prison Education Expansion Program	1,250,000	41,177	1,291,177
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(b) Social Security (FICA)-State Share	77,672		77,672
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SOURCE OF FUNDS:

(1) ASETF	1,327,672		
(2) Federal and Local Funds		41,177	

Total Prison Education Expansion	1,327,672	41,177	1,368,849
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23. RESERVE ACCOUNT-ALABAMA SPECIAL EDUCATIONAL TRUST FUND:

(a) Reserve Account Program			21,000,000
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SOURCE OF FUNDS:

(1) ASETF	21,000,000		
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Total ASETF Reserve Account	21,000,000		21,000,000
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It is the intent of the Legislature that this Reserve Account be used to guard against proration. In the event

that revenues into the Alabama Special Educational Trust Fund are insufficient to fund the appropriations to the various departments, board, offices, commissions, and agencies in this Act, the funds herein appropriated into said Alabama Special Educational Trust Fund Reserve Account shall be allotted only to the extent necessary to avoid proration.

24. RETIREMENT SYSTEM OF ALABAMA, EMPLOYEES' (ASETF SHARE):

(a) Retirement Systems Program, Estimated	396,000
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SOURCE OF FUNDS:

(1) ASETF-Employees' Retirement System, Estimated	255,000	
(2) ASETF-Employees' Special Pension, Act 85-631, Estimated	141,000	
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Total Employees' Retirement System of Alabama (ASETF Share)	396,000	396,000
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25. RETIREMENT SYSTEM OF ALABAMA, TEACHERS' (ASETF SHARE):

(a) Retirement Systems Program, Estimated	191,640,000
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(b) Term Life Insurance	2,655,000
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Persons eligible for this insurance benefit shall be the following:

- (1) full-time members of the Teachers' Retirement System of Alabama shall be eligible for the full benefit; and,
- (2) part-time members of the Teachers' Retirement System of Alabama shall be eligible for proportional benefit based on the percentage of time each works in relationship to full-time work.

SOURCE OF FUNDS:

(1) ASETF-Teachers' Retirement System, Estimated	161,448,000	
(2) ASETF-Teachers' Special Pension Fund, Estimated	30,192,000	
(3) ASETF-Term Life Insurance	2,655,000	
<hr/>		
Total Teachers' Retirement System of Alabama (ASETF Share)	194,295,000	194,295,000
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26. SOCIAL SECURITY (ASETF SHARE):

(a) For State's Share of Social Security, Estimated	25,000
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SOURCE OF FUNDS:

(1) ASETF	25,000	
Total Social Security (ASETF Share)	25,000	25,000

The above appropriation is to be used for prior period adjustments.

27. SPECIAL INDUSTRIAL JOB TRAINING:

(a) Industrial Training Program		4,100,000
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This appropriation will be administered by the Alabama Industrial Development Training Institute. Of the above appropriation, \$1,500,000 shall be allocated for training at U.S. Steel.

SOURCE OF FUNDS:

(1) ASETF	4,100,000	
Total Special Industrial Job Training	4,100,000	4,100,000

28. TENURE COMMISSION, STATE:

(a) Regulation Program		10,738
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SOURCE OF FUNDS:

(1) ASETF	10,738	
Total State Tenure Commission	10,738	10,738

29. TELEVISION COMMISSION, EDUCATIONAL:

(a) Educational Television Program ..		4,828,313
(b) Public Radio Service Program		480,497

SOURCE OF FUNDS:

(1) ASETF	3,612,310	
(2) Federal and Local Funds		1,696,500
Total Educational Television Commission	3,612,310	1,696,500
		5,308,810

Of the above appropriation to the Educational Television Commission of \$3,612,310 the sum of \$400,000 is to be used to ti-in the United Star Network.

30. UNEMPLOYMENT COMPENSATION-LOCAL BOARDS:

(a) Financial Assistance Program		2,000,000
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SOURCE OF FUNDS:

(1) ASETF, Estimated	2,000,000	
Total Unemployment Compensation-Local Boards	2,000,000	2,000,000

31. VETERANS' AFFAIRS, DEPARTMENT OF:

(a) Administration of Veterans' Affairs Program		4,308,808
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SOURCE OF FUNDS:

(1) ASETF-Transfer	4,308,808	
Total Department of Veterans' Affairs	4,308,808	4,308,808

The above appropriation is for Veterans' Education Benefits and includes pro rata administration costs of the Department of Veterans' Affairs and for the reimbursement to every State institution of higher learning, college, university, junior college or technical college in which benefits are given to Veterans, their wives, widows, or children under the provisions of Code of Alabama 1975, as amended, Sections 31-6-1 through 31-6-17.

32. YOUTH SERVICES, DEPARTMENT OF:

(a) Financial Assistance Program	3,472,059
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The above appropriation for Financial Assistance Program includes \$2,422,942 of ASETF monies. The above appropriation shall be expended by the Youth Services Department School District in a manner consistent with the funding formula cooperatively established by the Youth Services Board and the State Board of Education pursuant to the provisions of Code of Alabama 1975, as amended, Sections 44-1-70 through 44-1-77.

SOURCE OF FUNDS:

(1) ASETF	2,287,213		
(2) ASETF-Teachers' Pay Raise (7.5%)	135,729		
(3) Federal and Local Funds		1,049,117	
Total Department of Youth Services ..	2,422,942	1,049,117	3,472,059

33. FINANCE, DEPARTMENT OF-
DATA SYSTEMS MANAGEMENT:

(a) Administrative Support Services Program	331,000
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To be expended for education and training for the Governmental Accountant and Auditor Training Program and the Certified Public Manager Program.

SOURCE OF FUNDS:

(1) ASETF	331,000		
Total Department of Finance-Data Systems Management	331,000		331,000

34. LIBRARY SERVICE, ALA-
BAMA PUBLIC:

(a) Public Library Service Program ...			9,925,971
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SOURCE OF FUNDS:

(1) ASETF	9,108,936		
(2) Federal and Local Funds		817,035	
Total Alabama Public Library Service	9,108,936	817,035	9,925,971

35. ARTS, STATE COUNCIL ON
THE:

(a) Fine Arts Program			3,081,485
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SOURCE OF FUNDS:

(1) ASETF	2,476,485		
(2) Federal and Local Funds		605,000	
Total State Council on the Arts	2,476,485	605,000	3,081,485

36. MENTAL HEALTH AND
MENTAL RETARDATION, DE-
PARTMENT OF:

(a) Institutional Treatment and Care- Mental Illness Program			4,265,945
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Of the above appropriation \$2,937,996
shall be expended at the Eufaula Ad-
olescent Center.

(b) Institutional Treatment and Care- Mental Retardation Program			2,743,827
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(c) Administrative Support Services ..			1,646,705
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SOURCE OF FUNDS:

(1) ASETF	8,656,477		
Total Department of Mental Health and Mental Retardation	8,656,477		8,656,477

SECTION 4.

COLLEGES, UNIVERSITIES AND
SCHOOLS:

I. BOARD OF TRUSTEES OF UNI-
VERSITY OF ALABAMA:

A. The University of Alabama System

1. Operations and Maintenance and Program Support for the University of Alabama	74,873,179	36,545,543	111,418,722
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The above amounts shall be distributed
to the following enumerated pro-
grams by the president of the Uni-
versity of Alabama. All of the

following enumerated programs that were funded for the fiscal year ending September 30, 1988 shall receive at least the same level of funding as said program received in the fiscal year ending September 30, 1988, In addition to operations and maintenance, includes support for such entities as: Industrial Management and Manufacturing Technology and Magnetic Information Technology Programs; Center for Emotionally Disturbed Children; Alabama Poison Control Center; Nursing Scholarships; Advocacy Program for the Developmentally Disabled; Capstone Medical Center; \$85,000 for Sports Medicine; Alabama Museum of Natural History; College of Community Health Sciences; University Research Library; Research, Extension and Public Service; School of Mines and Energy Development; Computer Research and Development; Emergency Medical Services (Paramedic Training); Rural Infant Stimulation Program; High Risk Nursery; Safe State Program; Tannehill Learning Center.

2. Operations and Maintenance and Program Support for University of Alabama at Birmingham

112,968,246 273,495,470 386,463,716

The above amounts shall be distributed to the following enumerated programs by the president of the University of Alabama at Birmingham.

All of the following enumerated programs that were funded for the fiscal year ending September 30, 1988 shall receive at least the same level of funding as said program received in the fiscal year ending September 30, 1988. In addition to operations and maintenance, includes support for such entities as: University College; Family Practice Residency Programs at Anniston, East End, Jefferson County, Montgomery, Selma, and Gadsden; School of Medicine; University Hospitals; School of Optometry; School of Community and Allied Health; Regional Technical Institute; Joint Health Sciences; Department of Pediatrics and Children's Hospital; Center for Labor

Education and Research; Student Nurses Loans; Center for Diabetes Research; Urban Research and Public Service; School of Dentistry; System Medical Education Program; School of Nursing; Health Related Research and Public Service; Public Health Research Program; Medical Genetics Program; Nursing Scholarships; \$1,000,000 for Program Enhancement/Minority Recruitment; Hypertension Research; Multipurpose Arthritis Center; School of Engineering and Business Telecommunications Research Center; School of Public Health; Montgomery Internal Medicine Residency; Center for Advancement of Developing Industries; Center for Cystic Fibrosis Research; Center for Congenital Heart Disease; Biomedical Engineering Sciences; Center for Nuclear Magnetic Resonance Studies; Dental/Medical Research; Medical Grants; Virology Research; Neuro-Science Research; Geriatric Service and Research Program; Internal Medicine Development; Sudden Death Research; Research Center for Biomedical Engineering Sciences.

3. Operations and Maintenance and Program Support for University of Alabama in Huntsville

24,173,825	14,784,170	38,957,995
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The above amounts shall be distributed to the following enumerated programs by the president of the University of Alabama in Huntsville.

All of the following enumerated programs that were funded for the fiscal year ending September 30, 1988 shall receive at least the same level of funding as said program received in the fiscal year ending September 30, 1988. In addition to operations and maintenance, includes such entities as: School of Primary Medical Care; Kenneth E. Johnson Research Center; \$250,000 for the Space Initiative; UAH Medical Clinics; Alabama Solar Energy Center; Center for High Technology Management and Economic Research; Rural Primary Care Clerkship; Research Institute; Developmental Computer Education;

Center for Applied Optics; Nursing Scholarships; Center for Microgravity Science; Center for Robotics.

4. Social Security (FICA)-State Share	21,066,158		21,066,158
5. Auxiliary Enterprises		49,024,728	49,024,728
6. Restricted Funds		112,654,573	112,654,573

SOURCE OF FUNDS:

(1) ASETF	233,081,408		
(2) Other Funds		486,504,484	
Total University of Alabama System	233,081,408	486,504,484	719,585,892

II. BOARD OF TRUSTEES OF ALABAMA A & M UNIVERSITY:

A. Alabama A & M University

1. Operations and Maintenance and Program Support	17,330,125	6,251,892	23,582,017
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In addition to operations and maintenance, includes support for such entities as: Vocational Teacher Training; Cooperative Extension, Research and Service; Black Archives Museum.

2. Social Security (FICA)-State Share	1,106,203		1,106,203
3. Auxiliary Enterprises		4,097,876	4,097,876
4. Restricted Funds		10,110,965	10,110,965

SOURCE OF FUNDS:

(1) ASETF	18,436,328		
(2) Other Funds		20,460,733	
Total Alabama A & M University	18,436,328	20,460,733	38,897,061

III. BOARD OF TRUSTEES OF ALABAMA STATE UNIVERSITY:

A. Alabama State University

1. Operations and Maintenance and Program Support	17,254,835	5,914,794	23,169,629
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In addition to operations and maintenance, includes support for such entities as: Educational Radio Station; Public Services Program.

2. Social Security (FICA)-State Share	931,308		931,308
3. Auxiliary Enterprises		4,387,527	4,387,527
4. Restricted Funds		3,668,237	3,668,237

SOURCE OF FUNDS:

(1) ASETF	18,186,143		
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(2) Other Funds		13,970,558	
Total Alabama State University	18,186,143	13,970,558	32,156,701

IV. STATE BOARD OF EDUCATION:

A. Athens State College

1. Operations and Maintenance and Program Support	3,307,636	1,772,626	5,080,262
2. Social Security (FICA)-State Share	289,496		289,496
3. Auxiliary Enterprises		386,933	386,933
4. Restricted Funds		491,653	491,653

SOURCE OF FUNDS:

(1) ASETF	3,597,132		
(2) Other Funds		2,651,212	
Total Athens State College	3,597,132	2,651,212	6,248,344

V. BOARD OF TRUSTEES OF AUBURN UNIVERSITY:

A. Auburn University System

1. Operations and Maintenance and Program Support	127,330,312	63,393,574	190,723,886
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In addition to operations and maintenance, includes support for such entities as: Educational Television; Center for Vocational and Adult Education; Clinical Psychology; Ralph Draughon Library; Engineering Experiment Station; Public Service, Research and Extension; Energy Research; Food Animal Health and Diseases Research; Veterinary Teaching Hospital and Clinic; Truman Pierce Institute for the Advancement of Teacher Education; Forestry Program; Nursing Scholarships; Advanced Manufacturing Technology Center; Development of Genetic Engineering Applications; Pulp and Paper Research Center; International Commerce and Industrial Development; Architecture and Industrial Design; College of Veterinary Medicine; Textile Engineering Department; Highway Research Center; Research Library Enhancement; Poultry Development Program; Catfish Research; Cooperative Extension Service Retirement; Computer Communication System;

Montgomery Area Community
Health Sciences Institute.

2. Social Security (FICA)-State Share	8,149,942		8,149,942
3. Auxiliary Enterprises		37,180,898	37,180,898
4. Restricted Funds		44,979,114	44,979,114

SOURCE OF FUNDS:

(1) ASETF	135,480,254		
(2) Other Funds		145,553,586	
Total Auburn University System	135,480,254	145,553,586	281,033,840

VI. BOARD OF TRUSTEES OF
JACKSONVILLE STATE UNI-
VERSITY:

A. Jacksonville State University

1. Operations and Maintenance and Program Support	18,110,721	7,900,492	26,011,213
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In addition to operations and maintenance, includes support for such entities as: Gadsden Educational Program; Nursing Scholarships; Vocational Teacher Training; Developmental Education Project; Center for Economic Development; Research and Public Service; Community Education Development; Sensory Impaired Postsecondary Program.

2. Social Security (FICA)-State Share	1,529,787		1,529,787
3. Auxiliary Enterprises		3,287,430	3,287,430
4. Restricted Funds		3,530,260	3,530,260

SOURCE OF FUNDS:

(1) ASETF	19,640,508		
(2) Other Funds		14,718,182	
Total Jacksonville State University ...	19,640,508	14,718,182	34,358,690

VII. BOARD OF TRUSTEES OF
LIVINGSTON UNIVERSITY:

A. Livingston University

1. Operations and Maintenance and Program Support	5,958,735	1,402,788	7,361,523
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In addition to operations and maintenance, includes support for such entities as: Nursing Scholarships.

2. Social Security (FICA)-State Share	387,021		387,021
3. Auxiliary Enterprises		2,180,706	2,180,706

4. Restricted Funds	557,411	557,411
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SOURCE OF FUNDS:

(1) ASETF	6,345,756	
(2) Other Funds	4,140,905	
Total Livingston University	6,345,756	4,140,905
		10,486,661

VIII. BOARD OF TRUSTEES OF
UNIVERSITY OF MONTE-
VALLO:

A. University of Montevallo

1. Operations and Maintenance and Program Support	9,901,230	4,000,964	13,902,194
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In addition to operations and maintenance, includes support for such entities as: Center for the Study of Communication Science and Disorders; Alabama Traffic Safety Center; Mass Communication Center; Center for Excellence in Undergraduate Liberal Studies; Center for Excellence in Business Education.

2. Social Security (FICA)-State Share	659,718		659,718
3. Auxiliary Enterprises		3,988,000	3,988,000
4. Restricted Funds		1,788,702	1,788,702

SOURCE OF FUNDS:

(1) ASETF	10,560,948		
(2) Other Funds		9,777,666	
Total University of Montevallo	10,560,948	9,777,666	20,338,614

IX. BOARD OF TRUSTEES OF
UNIVERSITY OF NORTH ALA-
BAMA:

A. University of North Alabama

1. Operations and Maintenance and Program Support	13,628,809	6,691,109	20,319,918
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In addition to operations and maintenance, includes support for such entities as: Research and Public Service; Nursing Scholarships; Center for Business Productivity and Relations; Developmental Computer Education; Occupational and Health Laboratory.

2. Social Security (FICA)-State Share	1,006,086		1,006,086
3. Auxiliary Enterprises		1,722,744	1,722,744

4. Restricted Funds	434,268	434,268	
SOURCE OF FUNDS:			
(1) ASETF	14,634,895		
(2) Other Funds		8,848,121	
Total University of North Alabama	14,634,895	8,848,121	23,483,016

X. BOARD OF TRUSTEES OF UNIVERSITY OF SOUTH ALA- BAMA:

A. University of South Alabama

1. Operations and Maintenance and Program Support	42,264,411	92,250,606	134,515,017
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In addition to operations and maintenance, includes support for such entities as: Medical Research and Public Service; Family Practice Residency Program; College of Medicine; Medical Center Hospital; Nursing Scholarships; Alabama Business and Transportation Program; Paramedic Training Program; Newborn Growth and Development Program; Coastal Environmental and Economic Services Program; Birth Defects and Genetic Center; Research and Public Service; Baldwin County Campus.

2. Social Security (FICA)-State Share	5,503,154		5,503,154
3. Auxiliary Enterprises		7,889,259	7,889,259
4. Restricted Funds		10,680,000	10,680,000

SOURCE OF FUNDS:

(1) ASETF	47,767,565		
(2) Other Funds		110,819,865	
Total University of South Alabama	47,767,565	110,819,865	158,587,430

XI. BOARD OF TRUSTEES OF TROY STATE UNIVERSITY:

A. Troy State University System

1. Operations and Maintenance and Program Support	17,825,609	18,002,787	35,828,396
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In addition to operations and maintenance, includes support for such entities as: Center for Environmental Research and Science; Nursing Scholarships; School of Nursing-Montgomery; Branch Campus at Phenix City; Center for Developmental Education; Public Radio and

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Communication Services; Research
and Public Service; Davis Theatre-
Fine Arts Program.

2. Social Security (FICA)-State Share	1,748,707		1,748,707
3. Auxiliary Enterprises		4,833,510	4,833,510
4. Restricted Funds		1,304,237	1,304,237

SOURCE OF FUNDS:

(1) ASETF	19,574,316		
(2) Other Funds		24,140,534	
Total Troy State University System ..	19,574,316	24,140,534	43,714,850

**XII. BOARD OF TRUSTEES OF
ALABAMA INSTITUTE FOR
DEAF AND BLIND:**

(a) Adult Programs:			
(1) Regular	3,114,910	2,697,708	5,812,618
(2) Social Security (FICA)-State Share	302,338		302,338
(b) Children and Youth Programs:			
(1) Regular	9,235,472	1,258,011	10,493,483
(2) Social Security (FICA)-State Share	544,209		544,209
(c) Industries for the Blind:			
(1) Regular	1,211,535	16,952,826	18,164,361
(2) Social Security (FICA)-State Share	362,807		362,807
(d) Capital Outlay	1,000,000		1,000,000

Of the above appropriation, \$865,000
shall be used for the restoration of
Manning Hall and \$135,000 shall be
earmarked for Dothan City School
for the Hearing-Impaired.

SOURCE OF FUNDS:

(1) ASETF	14,647,786		
(2) ASETF-Teachers' Pay Raise (7.5%)	1,123,485		
(3) Other Funds		20,908,545	
Total Alabama Institute for Deaf and Blind	15,771,271	20,908,545	36,679,816

SECTION 5.

(1) There is hereby further appropriated from the Alabama Special Educational Trust Fund to the Board of Trustees of the University of Alabama System for the University of Alabama at Birmingham \$3,504,049 to be expended for Special Mental Health.

(2) There is hereby further appropriated from the Alabama Special Educational Trust Fund to the Board of Trustees of the University of Alabama System for the University of Alabama at Birmingham \$707,548 to be expended for the Chauncey Sparks Center for Developmental and Learning Disorders.

SECTION 6.

The appropriation for Prison Education Expansion in Section 3A, Sub-section 22 of this act is hereby made to the Alabama Department of Corrections. The Department of Corrections shall contract with the Postsecondary Education Department to provide for prison education expansion. Such services shall be provided by the same postsecondary institutions providing such prison education services as of the effective date of this act. Chauncey Sparks State Technical College shall provide all prison education at the prison facility in Bullock County.

SECTION 7.

A. ALABAMA PEACE OFFICERS' STANDARDS AND TRAINING FUND:

There is hereby appropriated from the Alabama Peace Officers' Standards and Training Fund to the Alabama Peace Officers' Standards and Training Commission \$350,000 to be expended for the Certified Law Enforcement Academy Program.

B. PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Sections 257, 258, and 259 of the Constitution of Alabama 1901 and the amount appropriated from all other funds as is now provided by law, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools. There is hereby appropriated forty-four million dollars (\$44,000,000) from the Public School Fund for the Minimum Program Fund to be expended under the Financial Assistance Program as shown in subsection 3-A-6(a). If the Public School Fund receives more revenue than appropriated for the fiscal year ending September 30, 1989, the excess in revenue shall be carried over as a beginning balance for the fiscal year beginning October 1, 1989.

SECTION 8.

The State Superintendent of Education shall make requisitions on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller shall issue his warrant therefor. All other appropriations in this Act shall be paid on request by the Comptroller in the manner now provided by law.

SECTION 9.

Nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation. Further, all state, county, municipal and educational entities are authorized to disburse such funds as deemed necessary by mutual agreement between said

entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Code of Alabama 1975, as amended, Section 41-5-24.

SECTION 10.

The appropriations made herein to the departments, boards, offices, commissions, and agencies include the amount necessary and said departments, boards, offices, commissions, and agencies are hereby directed to make the transfer of funds to the State Personnel Department in the amounts enumerated in the General Appropriation Act for the fiscal year ending September 30, 1989.

SECTION 11.

All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized by the Code of Alabama 1975, as amended, Section 41-4-93, shall lapse on September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the ASETF or the trust fund from which the appropriation or appropriations were made.

SECTION 12.

The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

SECTION 13.

This Act shall become effective on October 1, 1988.

And the substitute was adopted.

Yeas 58; Nays 34.

Yeas:

Mr. Speaker, Black, Blake, Bowling, Box, Britnell, Bryant, Bugg, Burke, Buskey (JL), Campbell, Carothers, Carter, Coburn, Crow, Davis, Faulk, Ford, Freeman, Fuller, Goodwin, Grayson, Hall, Harper, Harvey, Haynes, Hettinger, Higginbotham, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Marietta, Mathis, McClain, McDowell, Melton, Moon, Newman, Parker, Payne, Penry, Perdue, Poole, Reed, Rogers, Slaughter, Spratt, Starkey, Warren, White (F), White (L), Williams, Willis and Zoghby.

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Nays:

Reps. Adams, Beasley, Biddle, Breedlove, Brooks, Butler, Curry, Dillard, Drake, Frazier, Gaston, Gray, Grouby, Hamilton, Hammett, Headley, Hill, Hooper, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, McKee, McMillan, Mikell, Rains, Richardson, Seibels, Turner, Venable and Walker.

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The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 28, as Substituted, on page 6, after line 37 by adding the following language:

Drug Education 200,000

Further amend H. B. 28 as Substituted on page 6, line 25, by deleting the figure "10,731,895" and inserting in lieu thereof the figure:

10,931,895

Further amend H. B. 28 as Substituted on page 7, lines 8 and 11, by deleting the figure "3,652,558" and inserting in lieu thereof the figure:

3,852,558

Further amend H. B. 28 as Substituted on page 7, line 11, by deleting the figure "10,731,895" and inserting in lieu thereof the figure:

10,931,895

Further amend H. B. 28 as Substituted on page 9, lines 13 and 16 by deleting the figure "31,533,618" and inserting in lieu thereof the figure:

31,733,618

Further amend H. B. 28 as Substituted on page 9, line 16, by deleting the figure "303,290,637" and inserting in lieu thereof the figure:

303,490,637

And the amendment was adopted.

Yeas 99; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

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RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Flowers:

H. R. 83. HONORING OUR COLLEAGUE, DEWAYNE FREEMAN OF HUNTSVILLE, AND DESIGNATING HIM AS THE MOST OUTSTANDING MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES FOR 1988.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 230. Relating to the City of Prichard in Mobile County; limiting the number of city council members on the water works and sewer board to no more than one.

TOMMY CARTER,
Chairman.

And the bill, H. 230 as engrossed, was ordered sent to the Senate.

H. 28 RESUMED

AMENDMENT OFFERED

Rep. Harper offered the following amendment to the bill, H. 28, as amended:

To amend the substitute to H. B. 28 on page 64 by deleting lines 19 through 24 in their entirety.

Further amend the bill on Page 64, Line 12 by deleting the figures "9,235,472" and "10,493,483" and inserting in lieu thereof the figures "10,235,472" and "11,493,483".

Further amend the bill on page 64 after line 14 by adding the following:
of the above appropriation, \$135,000 shall earmarked for the Dothan City School for the Hearing Impaired.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 99; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Poole, Rains, Reed, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—99

AMENDMENT OFFERED

Rep. Harper offered the following amendment No. 2 to the bill, H. 28 as amended:

Amend House Bill 28 as substituted on page 47, line 34 by deleting the figure "4,828,313" and inserting in lieu thereof the figure "5,055,686".

Further amend House Bill 28 as substituted on page 48, line 5 by deleting the figure "480,497" and inserting in lieu thereof the figure "503,124".

Further amend House Bill 28 as substituted on page 48, lines 7 and 10 by deleting the figure "3,612,310" and inserting in lieu thereof the figure "3,862,310".

Further amend House Bill 28 as substituted on page 48, line 10 by deleting the figure "5,308,810" and inserting in lieu thereof the figure "5,558,810".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—96

AMENDMENT OFFERED

Rep. Richardson offered the following amendment to the bill, H. 28, as amended:

Amend H. B. 28 as substituted on page 29, line 12 by adding the following words after the word maintenance:

"and transportation."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 98; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee,

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3rd Day

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McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Penry, Perdue, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—98

AMENDMENT OFFERED

Rep. Gray offered the following amendment to the bill, H. 28 as amended:

Amend H. B. 28 as substituted on page 36, line 35 by deleting the figures "466,847" and "553,066" respectively and inserting in lieu thereof the figures "521,847" and "608,066".

Further amend on page 37, lines 10 and 16 by deleting the figure "502,315" and inserting in lieu thereof the figure "557,315".

Further amend on page 37, line 16 by deleting the figure "1,490,333" and inserting in lieu thereof the figure "1,545,333".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—96

AMENDMENT OFFERED

Rep. Flowers offered the following amendment to the bill, H. 28 as amended:

Amend House Bill 28 as Substituted on page 63 by adding the following language after line 27, "of the above Alabama Special Educational Trust Fund appropriation to the Troy State University System, the following amounts shall be expended at the following Troy State campuses:

Troy State at Troy \$14,648,548

Troy State at Dothan 2,366,020

Troy State at Montgomery 2,559,748"

AMENDMENT TABLED

On motion of Rep. Holley, the amendment offered by Rep. Flowers to the bill, H. 28 as amended, was tabled.

Yeas 67; Nays 9.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Davis, Dillard, Escott, Ford, Freeman, Gaston, Grayson, Hamilton, Hammett, Harper, Harvey, Headley, Hettinger, Higginbotham, Hogan, Holley, Holmes, Johnson (RW), Junkins, Kennedy, Kvalheim, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, Melton, Moon, Newman, Newton, Parker, Perdue, Reed, Richardson, Rogers, Spratt, Starkey, Turner, Venable, Warren, White (F), White (L), Williams, Willis and Zoghby.

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Nays:

Reps. Faulk, Flowers, Hill, Knight, Logan, Payne, Seibels, White (G) and Wright.

—9

AMENDMENT OFFERED

Rep. Haynes offered the following substitute amendment to the amendment #1 offered by Rep. Harper to the bill, H. 28 as amended:

Amend the Substitute to H. B. 28 on page 64 by deleting lines 19 through 24 in their entirety.

Further amend the bill on Page 64, Line 12 by deleting the figures "9,235,472" and "10,493,483" and inserting in lieu thereof the figures "10,235,472" and "11,493,483".

Further amend the bill on page 64 after line 14 by adding the following:

of the above appropriation, \$135,000 shall be earmarked for the Dothan City School for the Hearing Impaired and \$500,000 shall be earmarked for capital outlay for the Industries for the Blind.

AMENDMENT ADOPTED

And the substitute amendment was adopted.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Coburn, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis,

McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Perdue, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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AMENDMENT OFFERED

Rep. Penry offered the following amendment to the bill, H. 28 as amended:

To amend H. B. 28 as substituted on page 66 after line 18 by adding the following new Section:

“Section 9. Funds appropriated in Section 3(A)(6) and 3(A)(7) above the level of appropriations in fiscal year 1987-88 for maintenance, capital outlay transportation and textbooks may be allocated between said line items at the request of local school boards and with the approval of the State Superintendent of Education within existing statutory limitations”.

Further amend the bill by renumbering the succeeding Sections appropriately.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 101; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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And the bill, H. 28 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 105; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill,

Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 28:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Perdue, Petelos, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

RECESS

On motion of Rep. Campbell, the House recessed until 2:00 o'clock p.m.

HOUSE RECONVENED

The hour of 2:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Holmes:

H. J. R. 84. REQUIRING PUBLIC NOTIFICATION OF ANY AND ALL JOB VACANCIES OCCURRING ON THE STAFFS OF THE ALABAMA SENATE, ALABAMA HOUSE OF REPRESENTATIVES, THE LEGISLATIVE FISCAL OFFICE AND LEGISLATIVE REFERENCE SERVICE.

WHEREAS, the employees of the Alabama Senate, the Alabama House of Representatives, the Legislative Fiscal Office and the Legislative Reference Service are state employees, whether within or without the State Merit System, and are therefore paid from public funds as are all other state employees; and

WHEREAS, it is therefore only fair and equitable that information regarding job vacancies in these offices be available to the public; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby require the Secretary

of the Senate, the Clerk of the House and the Directors of both the Legislative Fiscal Office and the Legislative Reference Service to notify the State Personnel Office of any job vacancy or vacancies occurring on their respective staffs. Said notification shall include a detailed job description, including the required minimum qualifications, skills, education and work experience, and this notice shall then be prominently posted in the State Personnel Office and be readily accessible to all job applicants.

On motion of Rep. Holmes, the rules were suspended and the resolution, H. J. R. 84, was adopted.

Also:

By Rep. Harvey:

H. J. R. 85. COMMENDING THE ONEONTA HIGH SCHOOL GIRLS' VOLLEYBALL TEAM ON THEIR OUTSTANDING 1988 SEASON.

WHEREAS, the Legislature of Alabama most heartily congratulates and commends the Oneonta High School Girls' Volleyball Team on their outstanding 1988 season; and

WHEREAS, under the leadership of Coach Sharon Standridge, the talented ladies from Oneonta High School finished the season with a phenomenal 21-7 overall record, while capturing the County and Area Championships, winning in Sub-State competition and finishing eighth in the State; and

WHEREAS, the Oneonta girls bringing great honor to their school and the community are Deidre Bellenger, Jennifer Gowers and Dawn Griffen who were named All County; Melanie Webster who was All County, All Area and Area MVP; Stacey Rice named All County, County MVP and All Area; Jodie Wilson, also named All Area; along with teammates Shannon Mixon, Christy Phillips, Mindy Webster and Jennifer Kalanick; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Coach Sharon Standridge and the 1988 Oneonta High School Girls' Volleyball team, and do further direct that copies of this resolution be provided for appropriate presentation and display at Oneonta High School.

On motion of Rep. Harvey, the rules were suspended and the resolution, H. J. R. 85, was adopted.

Also:

By Reps. Zoghby and Marietta:

H. J. R. 86. MOURNING THE DEATH OF ANNA LOUISE MORRISS STAPLES OF MOBILE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Mrs. Anna Louise Morriss Staples of Mobile, Alabama, on August 4, 1988, at the age of 103 years; and

WHEREAS, born October 18, 1884, Anna Louise Morriss was the only child of Thomas Bragg and Emma Hearin Morriss and was the granddaughter of a prominent Mobile businessman and social leader in the 19th century, Major William J. Hearin; and

WHEREAS, Mrs. Staples, who spent her youth in Mobile and at her family's home in Suggsville near her father's Clarke County plantation, was educated at Judson College and Fairmont Seminary in Washington, and made her debut, serving as a maid in the Mobile Mardi Gras Court of Queen Adelaide St. John, in 1907; and

WHEREAS, in 1908, Miss Morriss became the bride of a prominent young businessman and Mississippi native, Alfred Lewis Staples; the young couple then moved to Scranton, now Pascagoula, Mississippi, for a period of two years before returning permanently to Mobile; and

WHEREAS, in the death of Anna Louise Morriss Staples, the community has suffered the loss of a truly lovely lady and a former, longtime supporter of numerous civic and charitable affairs in her native Mobile; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Anna Louise Morriss Staples of Mobile, Alabama, and extend our very deepest sympathy to her beloved daughter, Mrs. Emily Staples Hearin; to her four loving grandchildren; and other family members, for whom a copy of this resolution shall be provided that they may know of our shared sorrow in their great and inconsolable loss.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 86, was adopted.

Also:

By Rep. McDowell:

H. J. R. 87. MOURNING THE DEATH OF JAMES E. MOORE, JR., OF BESSEMER, ALABAMA.

WHEREAS, in sentiment of deep sorrow, the Alabama Legislature records the lamentable death of James E. Moore, Jr., of Bessemer, Alabama, on July 5, 1988; and

WHEREAS, a United States Army veteran of World War II, Mr. Moore also was a prominent and highly successful businessman, and was a distinguished community leader who long and well served his fellow citizens in Bessemer and throughout all of Jefferson County; and

WHEREAS, Mr. Moore, a faithful member and Deacon at First Baptist Church, further served on the Salvation Army Advisory Board, the Chamber of Commerce Board and the American Red Cross Board, and was a member of the Jonesboro Civitan Club, Fraternal Order of Police and the Elks Lodge; and

WHEREAS, in gratitude for his commitment to the concerns and needs of the community, Mr. Moore was named 1977 Citizen of the Year by the YMCA, which also named the Jim Moore Gymnasium in his honor, and he was the recipient of the prestigious Charles A. Long Award as Bessemer's Outstanding Citizen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the life of James E. Moore, Jr., of Bessemer, Alabama, and do further direct that a copy of this resolution be forwarded to his wife, Mrs. Mary Burks Moore; to his daughters, Mrs. Randy (Judy) Mathis and Mrs. Rick (Kerry) Burrows; and to his sons, James E. Moore III and Jack

Letson Moore, that they and other family members may know of our concern for them, and that we sincerely share the sorrow of their great and grievous loss.

On motion of Rep. McDowell, the rules were suspended and the resolution, H. J. R. 87, was adopted.

Also:

By Rep. Mathis:

H. J. R. 88. NAMING THE BRIDGE ON STATE HIGHWAY 52, BETWEEN THE CITIES OF SLOCOMB AND HARTFORD, AND CROSSING HURRICANE CREEK, IN MEMORY AND HONOR OF JESSIE THOMPSON FONDREN, JR.

WHEREAS, Jessie Thompson Fondren, Jr., the son of Jessie Thompson and Martha Catherine Blount Fondren, was born September 22, 1918, in Geneva County, Alabama, where he lived until his death on August 12, 1986, at the age of 67 years; and

WHEREAS, "Junior" Fondren, as he was widely and affectionately known, was married on December 3, 1938, to the former Sybil Hautence Holley and they were the parents of four children: Sarah Fondren Hughes, now deceased, and Virginia Fondren Johnson, Lillian Fondren and Bobby Gene Fondren; and

WHEREAS, a prominent area farmer and an avid hunter and fisherman, Mr. Fondren owned and farmed the land that his maternal grandmother, Martha Galloway Fondren, homesteaded many years ago; and

WHEREAS, Mr. Junior Fondren was indeed a beloved member of his community and throughout Geneva County, and it is desirable that his life and service be commemorated in appropriate and lasting tribute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor and memory of the late Jessie Thompson Fondren, Jr., of Geneva County, Alabama, we hereby name and designate the bridge on Alabama Highway 52, between the Cities of Hartford and Slocomb and crossing Hurricane Creek, the "Junior Fondren Bridge."

BE IT FURTHER RESOLVED, That the proper officials are authorized to erect and maintain appropriate signs and markers so designating said bridge the "Junior Fondren Bridge."

RESOLVED FURTHER, That a copy of this resolution be forwarded to the family of Jessie Thompson Fondren, Jr., that they may know of this honorary designation of the Alabama Legislature.

On motion of Rep. Mathis, the rules were suspended and the resolution, H. J. R. 88, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 42. To provide for the creation of a special account to which the Legislature shall appropriate certain funds to prevent proration of the Alabama Special Educational Trust Fund; to prescribe criteria and procedures

for withdrawals from such account in years of proration or in emergency situations as may be determined by the Legislature; to make annual appropriations to such account until a certain amount is established and to provide that such amount shall be maintained in separate trust from year to year except during years of proration in the Alabama Special Educational Trust Fund and in emergencies; to prescribe procedures and criteria for reimbursement to such account after withdrawals; to provide for an effective date; and to repeal conflicting provisions.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Dillard, Drake, Escott, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Knight, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, White (G), White (L), Willis, Wright and Zoghby.

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And the bill:

H. 153. (With Substitute): To make appropriations for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1989.

Was taken up.

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Reed offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 153:

A BILL TO BE ENTITLED AN ACT

To make appropriations for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1989.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1989, the sum of one million six hundred thirteen thousand six hundred ten dollars (\$1,613,610.00), from the Alabama Special Educational Trust Fund and the sum of two million dollars (\$2,000,000) conditional from non-recurring revenues in the Alabama Special Educational Trust Fund to Tuskegee University located at Tuskegee, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to

the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This act shall become effective October 1, 1988.

H. 153 CARRIED OVER

On motion of Rep. Reed, the bill, H. 153 and the pending substitutes were temporarily carried over.

And the bill:

H. 21. (With Substitute): To make appropriations for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1989.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1989.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1989, the sum of one hundred ninety-five thousand fourteen dollars (\$195,014), out of the funds in the Alabama Special Educational Trust Fund, to Lyman Ward Military Academy located at Camp Hill, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1988.

And the substitute was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Curry, Dillard, Drake, Faulk, Flowers, Ford, Freeman,

Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Hill, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton, Payne, Perdue, Poole, Rains, Richardson, Rogers, Seibels, Spratt, Starkey, Thomas, Turnham, Warren, White (F), White (G), White (L), Williams and Willis.

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And the bill:

H. 21. To make an appropriation for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1989.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Breedlove, Bryant, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Dillard, Drake, Faulk, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, Melton, Moon, Newman, Newton, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), and Wright.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 32. COMMENDING THE TALLADEGA LITTLE LEAGUE GIRLS' SOFTBALL CHAMPIONS.

Also:

H. J. R. 33. COMMENDING WILLIAM E. ELDER OF MOBILE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

H. J. R. 34. COMMENDING SAINT IGNATIUS SCHOOL AND PRINCIPAL JAN MURRAY.

Also:

H. J. R. 36. COMMENDING EAGLE SCOUT GEORGE WALTER WATSON OF CALHOUN COUNTY, ALABAMA.

Also:

H. J. R. 70. SUPPORTING THE ESTABLISHMENT OF A NATIONAL CEMETERY IN NORTH ALABAMA/MADISON COUNTY.

McDOWELL LEE,
Secretary.

BILLS ON THIRD READING RESUMED

And the bill:

H. 72. (With Substitute): To make appropriations for the support and maintenance of Sylacauga Nurses Training School for the fiscal year ending September 30, 1989.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation for the support and maintenance of Sylacauga Nurses Training School for the fiscal year ending September 30, 1989.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1989, the sum of ninety-four thousand two hundred seventy-six dollars (\$94,276), out of the funds in the Alabama Special Educational Trust Fund, to Sylacauga Nurses Training School located at Sylacauga, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1988.

And the substitute was adopted.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Dillard, Drake, Faulk, Ford, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, Melton, Moon, Newman, Newton, Payne, Poole, Rains, Reed, Richardson, Rogers, Seibels,

Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—84

And the bill:

H. 72. To make an appropriation for the support and maintenance of Sylacauga Nurses Training School for the fiscal year ending September 30, 1989.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Dillard, Drake, Faulk, Ford, Frazier, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, Melton, Moon, Newman, Payne, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—81

And the bill:

H. 211. (With Substitute): To make appropriations for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1989.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To make an appropriation for the support and maintenance of Talladega College for the fiscal year ending September 30, 1989.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1989, the sum of three hundred ninety thousand thirty-one dollars (\$390,031), out of the funds in the Alabama Special Educational Trust Fund, to Talladega College located at Talladega, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year

before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1988.

And the substitute was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carter, Clark (W), Coburn, Cosby, Curry, Dillard, Drake, Faulk, Ford, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, Melton, Moon, Newman, Newton, Payne, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—83

AMENDMENT OFFERED

Rep. Haynes offered the following amendment to the bill, H. 211 as amended:

Amend H. B. 211 as substituted on page 1, line 22 by adding the following language

“There is hereby appropriated \$200,000 to be conditioned on the availability of funds in the Alabama Special Educational Trust Fund and the approval of the Governor.”

Further amend the bill on page 1, lines 6 and 14 by deleting the words “an appropriation” and inserting in lieu thereof the word “appropriation”.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 32; Nays 26.

Yeas:

Mr. Speaker, Beasley, Black, Bugg, Campbell, Crow, Faulk, Frazier, Fuller, Grayson, Grouby, Haynes, Headley, Hill, Hogan, Johnson (RG), Kennedy, McClain, McDowell, Melton, Newton, Payne, Perdue, Poole, Rains, Slaughter, Spratt, Thomas, Turner, Willis, Wright and Zoghby.

—32

Nays:

Reps. Blake, Blakeney, Breedlove, Brooks, Burke, Butler, Carter, Curry, Dillard, Freeman, Goodwin, Gray, Hall, Hammett, Harper, Harvey, Hettinger,

Higginbotham, Holley, Johnson (RW), Junkins, Layson, Marks, Reed, Seibels and Starkey.

—26

H. 211 CARRIED OVER

On motion of Rep. Haynes, the bill, H. 211 as amended, was temporarily carried over.

H. 210 CARRIED OVER

On motion of Rep. Hogan, the bill, H. 210, and the pending substitute were temporarily carried over.

And the bill:

H. 200. (With Substitute): To make appropriations for the support and maintenance of the Marion Military Institute for the fiscal year ending September 30, 1989.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To make an appropriation for the support and maintenance of Marion Military Institute for the fiscal year ending September 30, 1989.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1989, the sum of four hundred seventeen thousand eight hundred eighty-nine dollars (\$417,889), out of the funds in the Alabama Special Educational Trust Fund, to Marion Military Institute located at Marion, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1988.

And the substitute was adopted.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell,

Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Faulk, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Headley, Hettinger, Higginbotham, Hill, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Rogers, Seibels, Spratt, Starkey, Thomas, Turner, Turnham, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—84

And the bill:

H. 200. To make an appropriation for the support and maintenance of Marion Military Institute for the fiscal year ending September 30, 1989.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Faulk, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hamilton, Hammett, Harper, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Rogers, Seibels, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—87

And the bill:

H. 35. To make an appropriation from the Alabama Special Educational Trust Fund in the amount of \$400,000 to Children and Womens Hospital for the fiscal year ending September 30, 1989 and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Faulk, Ford, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Rains, Reed, Richardson, Rogers,

Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), Williams, Willis, Wright and Zoghby.

—92

CO-SPONSORS ADDED

Reps. Kvalheim, Zoghby, Gaston and Marietta were added as co-sponsors to the bill, H. 35.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 32. COMMENDING THE TALLADEGA LITTLE LEAGUE GIRLS' SOFTBALL CHAMPIONS.

Also:

H. J. R. 33. COMMENDING WILLIAM E. ELDER OF MOBILE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

H. J. R. 34. COMMENDING SAINT IGNATIUS SCHOOL AND PRINCIPAL JAN MURRAY.

Also:

H. J. R. 36. COMMENDING EAGLE SCOUT GEORGE WALTER WATSON OF CALHOUN COUNTY, ALABAMA.

Also:

H. J. R. 70. SUPPORTING THE ESTABLISHMENT OF A NATIONAL CEMETERY IN NORTH ALABAMA/MADISON COUNTY.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 153 AGAIN TAKEN UP

On motion of Rep. Reed, the bill, H. 153, and the pending substitutes, which previously were temporarily carried over, were again taken up.

SUBSTITUTE WITHDRAWN

Unanimous consent was granted for Rep. Reed to withdraw his substitute to the bill, H. 153, and to the substitute reported by the Standing Committee on Ways and Means.

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1989.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1989, the sum of one million six hundred ninety-four thousand seven hundred ninety-two dollars (\$1,694,792), out of the funds in the Alabama Special Educational Trust Fund, to Tuskegee University located at Tuskegee, Alabama, to be used for the support and maintenance of said school.

Section 2. In addition to the above appropriation, there is also hereby appropriated the sum of two million dollars (\$2,000,000) from the Alabama Special Educational Trust Fund to be conditioned upon the availability of funds in the Alabama Special Educational Trust Fund and upon the approval of the Governor.

Section 3. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 4. This Act shall become effective October 1, 1988.

And the substitute was adopted.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Drake, Faulk, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—92

And the bill:

H. 153. To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1989.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Mikelton, Mikell, Moon, Newman, Newton, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—89

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Haynes offered the motion to reconsider the vote by which the amendment offered by him to the bill, H. 211 as amended, was adopted, and the motion to reconsider was adopted.

AMENDMENT TABLED

On motion of Rep. Haynes, the amendment offered by him to the bill, H. 211 as amended, was tabled.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Carothers, Carter, Clark (W), Curry, Davis, Dillard, Drake, Faulk, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Harper, Haynes, Headley, Hill, Hooper, Johnson (RG), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Rogers, Seibels, Slaughter, Starkey, Thomas, Turner, Warren, White (G), White (L), Williams, Wright and Zoghby.

—74

And the bill:

H. 211. To make an appropriation for the support and maintenance of Talladega College for the fiscal year ending September 30, 1989.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers,

Carter, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Drake, Faulk, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—86

And the bill:

H. 210. (With Substitute): To make appropriations for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1989.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation for the support and maintenance of Walker County Junior College for the fiscal year ending September 30, 1989.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1989, the sum of five hundred one thousand four hundred sixty-eight dollars (\$501,468), out of the funds in the Alabama Special Educational Trust Fund, to Walker County Junior College located at Jasper, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1988.

And the substitute was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Carter, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Drake, Faulk, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG),

Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, Newman, Newton, Parker, Payne, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—83

And the bill:

H. 210. To make an appropriation for the support and maintenance of Walker County Junior College for the fiscal year ending September 30, 1989.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Faulk, Ford, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—85

And the bill:

H. 155. To make a supplemental appropriation from the Alabama Special Education Trust Fund to the Children's Hospital of Alabama in Birmingham, Alabama, for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Faulk, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers,

Seibels, Slaughter, Spratt, Starkey, Turner, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—91

H. 34 CARRIED OVER

On motion of Rep. Harper, the bill, H. 34, was temporarily carried over.

And the bill:

H. 29. To make a supplemental appropriation of \$1,000,000 from the Alabama Special Educational Trust Fund to the Alabama Commission on Higher Education for the EPSCoR program for the fiscal year ending September 30, 1988.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Bryant, Buggy, Burke, Buskey (JL), Butler, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Davis, Dillard, Drake, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—90

And the bill:

H. 36. (With Substitute): To make an appropriation from the State General Fund and the Alabama Special Educational Trust Fund for the fiscal year 1988-89 for the use of a sickle cell education program.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation from the State General Fund and the Alabama Special Educational Trust Fund for the fiscal year 1988-89 for the use of a sickle cell education program.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year 1988-89 there is hereby appropriated from the State General Fund the sum of four hundred eleven thousand five hundred sixty-one dollars (\$411,561) for the use of a sickle cell education program, as follows:

1. Jefferson County Sickle Cell/Detection Committee,
Inc. \$131,661

2. Sickie Cell Disease Association of Gulf Coast,
Alabama \$104,055
3. Sickie Cell Foundation of Greater Montgomery, Inc. .. \$44,752
4. Southeast Alabama Sickie Cell Association \$96,093
5. West Alabama Sickie Cell \$35,000

Section 2. For the fiscal year 1988-89 there is hereby appropriated from the Alabama Special Educational Trust Fund the sum of two hundred two thousand fifteen dollars (\$202,015) for the use of a sickie cell education program, as follows:

1. Jefferson County Sickie Cell/Detection Committee,
Inc. \$75,892
2. Sickie Cell Disease Association of Gulf Coast,
Alabama \$45,091
3. Sickie Cell Foundation of Greater Montgomery, Inc. \$19,392
4. Southeast Alabama Sickie Cell Association \$41,640
5. Northeast Alabama Sickie Cell Education Program \$10,000
6. Tri-County Southwest Sickie Cell \$10,000

Section 3. Prior to release of any funds appropriated under this bill for fiscal year 1988-89, an operations plan for fiscal year 1987-88 and an audited financial statement for all operations during fiscal year 1986-87 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1988-89 funds following receipt of these reports.

Section 4. This act shall become effective on October 1, 1988.

And the substitute was adopted.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Faulk, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Headley, Hettinger, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Wright.

—85

AMENDMENT OFFERED

Reps. Cosby and Thomas offered the following amendment to the bill, H. 36 as amended:

Amend House Bill 36 as substituted on page 1 by striking line 33 in its entirety and inserting in lieu thereof "sum of two hundred forty-two thousand fifteen dollars (\$242,015) for the".

Further amend House Bill 36 as substituted on page 2, line 15 by striking the figure "\$10,000" and inserting in lieu thereof "\$50,000".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Harper, Harvey, Haynes, Headley, Hettinger, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—92

And the bill, H. 36 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 100; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—100

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 37. COMMENDING EAGLE SCOUT JEFFERY A. EDWARDS OF CALHOUN COUNTY, ALABAMA.

Also:

H. J. R. 38. COMMENDING EAGLE SCOUT JOHN T. RITONDO, JR., OF CALHOUN COUNTY, ALABAMA.

Also:

H. J. R. 39. COMMENDING EAGLE SCOUT JEFFERY A DAXE OF CALHOUN COUNTY, ALABAMA.

Also:

H. J. R. 41. COMMENDING MCCULLOUGH WILLIAMS FOR OUTSTANDING SERVICE.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 2. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF LEGISLATURE.

And the President and Presiding Officer of the Senate appointed as committee on part of the Senate to escort the Governor, Senators Hale, Hand, and Bedsole.

McDOWELL LEE,
Secretary.

BILLS ON THIRD READING RESUMED

And the bill:

H. 33. To make an appropriation of \$750,000 from the Alabama Special Educational Trust Fund to the Alabama Shakespeare Festival for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 2.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JL), Butler, Campbell, Carothers, Carter, Coburn, Cosby, Crow, Davis, Dillard, Drake, Faulk, Flowers, Ford, Frazier, Gaston, Goodwin, Gray, Grouby, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Wright.

—87

Nays: Reps. Hall and Payne.

—2

CO-SPONSORS ADDED

Reps. Bugg and Hooper were added as co-sponsors to the bill, H. 33.

And the bill:

H. 32. To make an appropriation of \$115,000 from the Alabama Special Educational Trust Fund to the League for the Advancement of Education for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Drake, Faulk, Frazier, Fuller, Gaston, Grayson, Grouby, Harper, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Junkins, Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, Moon, Newton, Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Thomas, Turner, Warren, White (F), White (G), Williams, Willis, Wright and Zoghby.

—76

Nay: Rep. Laird.

—1

And the bill:

H. 65. To provide a seven and one-half percent (7.5%) pay increase for certain public education employees with the beginning of the 1988-89 fiscal year; to provide a continuing pay increase provision for those teachers who have gained or may gain "continuing service status" or attain five years teaching experience in public schools and institutions; to define "continuing service status" for pay purposes only; to provide a seven and one-half percent (7.5%) increase for full-time personnel on all Salary Schedules in all public two-year colleges; to grant two-year college personnel credit for prior work experience; to prescribe a manner for payment; to establish miscellaneous pay provisions; and to provide an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Slaughter,

Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—93

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. McMillan abstained from voting on the bill, H. 65, due to possible conflict of interest.

Permission was granted for the Journal to reflect that Rep. Carothers would have voted "Yea" on the bill, H. 65, had he been in the Chamber at the time of voting.

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 65:

Reps. Adams, Beers, Biddle, Black, Blake, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Carter, Clark (W), Curry, Davis, Faulk, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Headley, Hettinger, Hill, Hogan, Holmes, Hooper, Junkins, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McMillan, Moon, Newman, Newton, Penry, Perdue, Petelos, Poole, Rains, Reed, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), Williams, Wright and Zoghby.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Mikell would have voted "Yea" on the bill, H. 65, had he been in the Chamber at the time of voting.

And the bill:

H. 234. (With Amendment): To provide for revisions to the Code of Alabama 1975, dealing with ad valorem taxation, so as to offer equity and equalization in administration of ad valorem taxes, by amending the following code sections successively: Section 40-7-23, Code of Alabama 1975, as amended, to establish requirements under which a taxpayer may avoid the statutory ten percent penalty normally assessed on escaped tangible personal property ad valorem taxes, for the tax years ending on or before September 30, 1988, and to waive, upon the taxpayer's fulfilling the requirements of Section 40-7-23, the taxpayer's ad valorem tax liability on tangible personal property so assessed for the tax years ending on or before September 30, 1987; Sections 40-7-1, 40-8-1, 40-11-1, 40-12-240, 40-12-255 and 40-12-256, Code of Alabama 1975, to provide for assessment and payment of ad valorem taxes by owners of mobile homes the same as other real property and personal property owners, to identify the class of assessment for travel trailers, to eliminate the requirement for owners of mobile homes to purchase a license tag and pay the \$3.00 registration fee, to provide for the uniform identification and assessment of mobile homes, to authorize the commissioner of revenue to require that certain mobile home and ad valorem tax information be reported by real property owners on forms and through procedures prescribed by the commissioner of revenue, to require proof of assessment to be furnished by the mobile home owner to the public utility companies before the utility companies shall connect service, to authorize the commissioner of revenue to promulgate rules and regulations necessary to carry out the provisions of

this act and to make certain grammatical and clarifying changes; Sections 40-5-9, 40-10-21, 40-10-75, 40-10-76, 40-10-77, 40-10-83, 40-10-121, 40-10-122, and 40-10-132, Code of Alabama 1975, to increase the interest rate on delinquent ad valorem taxes and on taxes paid upon redemption; and by amending Section 40-7-21, Code of Alabama 1975, establishing the class of misdemeanor for failure or refusal to provide information deemed essential to assessment of property and to authorize proper authority to audit, examine, and inspect records and property, as needed, to enforce the assessment and collection of ad valorem taxes.

Was taken up.

MOTION TO CARRY OVER TABLED

On motion of Rep. Lindsey, the motion offered by Rep. Grayson to temporarily carry over the bill, H. 234, and the pending amendment was tabled.

Yeas 59; Nays 13.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Breedlove, Bugg, Burke, Butler, Campbell, Carothers, Carter, Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Fuller, Gaston, Goodwin, Grouby, Hamilton, Hammett, Harvey, Haynes, Hogan, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Mikell, Moon, Penry, Petelos, Poole, Richardson, Seibels, Slaughter, Starkey, Turner, Venable, White (G), White (L), Willis and Zoghby.

—59

Nays:

Reps. Black, Box, Brooks, Gray, Grayson, Hall, Higginbotham, Holley, Kennedy, Payne, Rains, Rogers and Spratt.

—13

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 211. To make an appropriation for the support and maintenance of Talladega College for the fiscal year ending September 30, 1989.

TOMMY CARTER,
Chairman.

And the bill, H. 211 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 37. COMMENDING EAGLE SCOUT JEFFERY A. EDWARDS OF CALHOUN COUNTY, ALABAMA.

Also:

H. J. R. 38. COMMENDING EAGLE SCOUT JOHN T. RITONDO, JR., OF CALHOUN COUNTY, ALABAMA.

Also:

H. J. R. 39. COMMENDING EAGLE SCOUT JEFFERY A. DAXE OF CALHOUN COUNTY, ALABAMA.

Also:

H. J. R. 41. COMMENDING MCCULLOUGH WILLIAMS FOR OUTSTANDING SERVICE.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker Pro Tem of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

CO-SPONSOR ADDED

Rep. Mikell was added as co-sponsor to the bill, H. 65.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 153. To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1989.

TOMMY CARTER,
Chairman.

And the bill, H. 153 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 21. To make an appropriation for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1989.

TOMMY CARTER,
Chairman.

And the bill, H. 21 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 72. To make an appropriation for the support and maintenance of Sylacauga Nurses Training School for the fiscal year ending September 30, 1989.

TOMMY CARTER,
Chairman.

And the bill, H. 72 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 210. To make an appropriation for the support and maintenance of Walker County Junior College for the fiscal year ending September 30, 1989.

TOMMY CARTER,
Chairman.

And the bill, H. 210 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 200. To make an appropriation for the support and maintenance of Marion Military Institute for the fiscal year ending September 30, 1989.

TOMMY CARTER,
Chairman.

And the bill, H. 200 as engrossed, was ordered sent to the Senate.

H. 234 RESUMED

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. B. 234 by striking from the Title lines 16 through 18 of Page 2 and substituting in lieu thereof the following:

“revenue, to require any public or private entity that provides or sells any utility services to provide to the county tax assessing official, at least monthly, a list containing each mobile home to which such entity has connected utility service in the county during the preceding period, together with the name of the occupant and the location of the connection, to authorize the”

And the amendment was adopted.

Yeas 77; Nays 2.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Curry, Davis, Dillard, Drake, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Moon, Newman, Newton, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Turner, Venable, Warren, White (F), White (G), White (L), Willis and Wright.

—77

Nays: Reps. Frazier and Walker.

—2

AMENDMENT OFFERED

Rep. Box offered the following amendment to the bill, H. 234 as amended:

Amend H. B. 234, page 12, subsection (5) lines 2 through 27 by deleting all of said subsection in its entirety and substituting in lieu thereof a new subsection (5) as follows:

“(5) All motor cars, automobiles, trucks, buses, tractors, motorcycles and other motor vehicles and bicycles, travel trailers, utility trailers, semi-trailers, and all other trailers of any kind; all outboard motors; airplanes, airships and other aircraft and aircraft landing fields and equipment; all radio sending and receiving sets and appliances owned for commercial use; all tanks, all storage reservoirs or basins owned for commercial use; all cattle and horses, mules, studs, jacks and jennets owned for commercial use; all hogs, sheep and goats owned for commercial use, except as specifically exempted;

And on page 15, subsection (16), lines 28 through 32, by striking said subsection in its entirety.

AMENDMENT TABLED

On motion of Rep. Lindsey, the amendment offered by Rep. Box to the bill, H. 234 as amended, was tabled.

Yeas 62; Nays 23.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Bowling, Breedlove, Bryant, Bugg, Burke, Campbell, Carothers, Carter, Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Fuller, Gaston, Goodwin, Gray, Hamilton, Hammett, Harper, Harvey, Headley, Hill, Hogan, Holmes, Hooper, Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marks, McDowell, McKee, McMillan, Mikell, Moon, Newman, Penry, Petelos, Richardson, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, White (G), White (L) and Willis.

—62

Nays:

Reps. Black, Box, Brooks, Buskey (JE), Butler, Clark (W), Freeman, Grayson, Hall, Haynes, Hettinger, Holley, Marietta, Mathis, Payne, Poole, Rains, Rogers, Walker, Warren, White (F), Wright and Zoghby.

—23

AMENDMENT OFFERED

Rep. Johnson (RW) offered the following amendment to the bill, H. 234 as amended:

Amend House Bill 234, as amended, in the Title, on Page 2, Line 17, by striking the word utility and inserting in lieu thereof the following: gas or electric

Further amend House Bill 234, as amended, in the Title, on Page 2, Line 20, by striking the word utility and inserting in lieu thereof the following gas or electric

Further amend House Bill 234, as amended, on Page 6, Section 2(d), on line 19, by striking the following: utility services, such as electricity, and inserting in lieu thereof the following: gas or electric services

Further amend House Bill 234, as amended, on Page 6, Section 2(d), Line 20, by striking the word utility and on line 23 by striking the word utility and inserting in lieu thereof the word such

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Breedlove, Brooks, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Carter,

Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Faulk, Freeman, Fuller, Gaston, Goodwin, Gray, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McDowell, McKee, McMillan, Mikell, Moon, Newman, Payne, Penry, Petelos, Poole, Richardson, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—81

Nay: Rep. Grayson.

—1

And the bill:

H. 234. To provide for revisions to the Code of Alabama 1975, dealing with ad valorem taxation, so as to offer equity and equalization in administration of ad valorem taxes, by amending the following code sections successively: Section 40-7-23, Code of Alabama 1975, as amended, to establish requirements under which a taxpayer may avoid the statutory ten percent penalty normally assessed on escaped tangible personal property ad valorem taxes, for the tax years ending on or before September 30, 1988, and to waive, upon the taxpayer's fulfilling the requirements of Section 40-7-23, the taxpayer's ad valorem tax liability on tangible personal property so assessed for the tax years ending on or before September 30, 1987; Sections 40-7-1, 40-8-1, 40-11-1, 40-12-240, 40-12-255 and 40-12-256, Code of Alabama 1975, to provide for assessment and payment of ad valorem taxes by owners of mobile homes the same as other real property and personal property owners, to identify the class of assessment for travel trailers, to eliminate the requirement for owners of mobile homes to purchase a license tag and pay the \$3.00 registration fee, to provide for the uniform identification and assessment of mobile homes, to authorize the commissioner of revenue to require that certain mobile home and ad valorem tax information be reported by real property owners on forms and through procedures prescribed by the commissioner of revenue, to require any public or private entity that provides or sells any gas or electric services to provide to the county tax assessing official, at least monthly, a list containing each mobile home to which such entity has connected gas or electric service in the county during the preceding period, together with the name of the occupant and the location of the connection, to authorize the commissioner of revenue to promulgate rules and regulations necessary to carry out the provisions of this act and to make certain grammatical and clarifying changes; Sections 40-5-9, 40-10-21, 40-10-75, 40-10-76, 40-10-77, 40-10-83, 40-10-121, 40-10-122, and 40-10-132, Code of Alabama 1975, to increase the interest rate on delinquent ad valorem taxes and on taxes paid upon redemption; and by amending Section 40-7-21, Code of Alabama 1975, establishing the class of misdemeanor for failure or refusal to provide information deemed essential to assessment of property and to authorize proper authority to audit, examine, and inspect records and property, as needed, to enforce the assessment and collection of ad valorem taxes.

As thus amended, was read a third time at length and passed and ordered engrossed.

Yeas 69; Nays 26.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Breedlove, Bryant, Bugg, Burke, Campbell, Carter, Clark (W), Coburn, Cosby,

Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Fuller, Gaston, Goodwin, Gray, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hill, Hogan, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Lindsey, Logan, Marks, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Perdue, Petelos, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, White (G), White (L), Willis, Wright and Zoghby.

—69

Nays:

Reps. Black, Box, Brooks, Buskey (JE), Butler, Ford, Frazier, Freeman, Grayson, Hall, Hettinger, Holley, Holmes, Junkins, Layson, Marietta, Mathis, Payne, Penry, Poole, Rains, Thomas, Walker, Warren, White (F) and Williams.

—26

And the bill:

H. 10. (With Amendment): To require the state department of human resources to charge a fee in the amount of \$1,000.00 to be assessed as costs against the petitioners for investigation services performed in certain independent cases involving adoption; and to require that said fees shall be deposited in the state treasury to the credit of state general fund.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

On page 1, after line 34, insert the following language:

in those adoption proceedings in which an investigation is

And the amendment was adopted.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Faulk, Flowers, Ford, Frazier, Fuller, Gaston, Goodwin, Gray, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—89

And the bill, H. 10 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 8.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Fuller, Gaston, Goodwin, Gray, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Reed, Richardson, Rogers, Seibels, Slaughter, Starkey, Thomas, Turner, Turnham, Venable, White (F), White (G), White (L), Williams, Wright and Zoghby.

—81

Nays:

Reps. Brooks, Grayson, Hettinger, Holmes, Junkins, Melton, Poole and Willis.

—8

And the bill:

H. 147. To amend Section 35-12-38, Code of Alabama 1975, so as to permit stocks in custodial possession of the state to be sold through an established stock exchange or over the counter at prevailing prices and to permit the redemption of government and corporate bonds that have reached maturity.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 6.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Brooks, Bryant, Burke, Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Faulk, Ford, Frazier, Fuller, Gaston, Goodwin, Gray, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—87

Nays: Reps. Freeman, Grayson, Hall, Holmes, Junkins and Rogers.

—6

And the bill:

H. 209. To amend section 32-6-17, Code of Alabama 1975, relating to driver's license fees, so as to increase the reinstatement fee, to make the fee applicable for each action and to require the licensee, upon reinstatement, to obtain a duplicate license with a new photograph and current personal data to ensure that the records of the department of public safety are kept up-to-date.

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Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 43.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Box, Campbell, Carothers, Carter, Cosby, Curry, Dillard, Drake, Fuller, Gaston, Gray, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hooper, Johnson (RG), Knight, Kvalheim, Lindsey, Logan, Marks, McKee, McMillan, Mikell, Newton, Richardson, Seibels, Slaughter, Turner, Turnham, Venable, White (G), White (L), Williams and Wright.

—45

Nays:

Reps. Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Clark (W), Coburn, Crow, Davis, Faulk, Ford, Frazier, Freeman, Grayson, Hall, Hogan, Holley, Holmes, Johnson (RW), Junkins, Kennedy, Laird, Marietta, Mathis, McDowell, Melton, Moon, Newman, Parker, Payne, Penry, Poole, Reed, Rogers, Spratt, Starkey, Thomas, Warren, White (F), Willis and Zoghby.

—43

And the bill:

H. 138. To provide that the alcoholic beverage control board shall under certain conditions audit and collect certain taxes on beer or table wine levied for the benefit of local governing bodies.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 7.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JL), Butler, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Drake, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Logan, Marietta, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Perdue, Rains, Richardson, Spratt, Starkey, Turner, Turnham, Venable, White (F), White (G), Willis and Zoghby.

—78

Nays: Reps. Grayson, Hall, Junkins, McDowell, Poole, Rogers and Williams.

—7

And the bill:

H. 152. To provide for a service fee of \$50.00 per hour payable to the state general fund for the services of any officer or employee of any state department, agency, board or commission who is subpoenaed to furnish testimony in his or her official capacity through depositions or otherwise

assists in any civil proceeding in which the employee or department is not a party.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 20.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Curry, Davis, Dillard, Drake, Faulk, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Hooper, Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, McClain, McKee, McMillan, Mikell, Moon, Newman, Newton, Payne, Perdue, Rains, Richardson, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Warren, White (G), White (L), Willis and Zoghby.

—64

Nays:

Reps. Black, Brooks, Bryant, Burke, Buskey (JE), Grayson, Hall, Haynes, Hettinger, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Mathis, McDowell, Melton, Parker, Poole and Rogers.

—20

And the bill:

H. 142. To amend section 32-7-4, Code of Alabama 1975, relating to fees for abstracts of driving records, so as to increase the fee for an abstract of a driving record from \$4.00 to \$5.50.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 23.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Bryant, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Drake, Faulk, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, McClain, McDowell, McMillan, Mikell, Newman, Newton, Perdue, Rains, Richardson, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, White (F), White (G), White (L), Willis and Zoghby.

—67

Nays:

Reps. Brooks, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Freeman, Grayson, Hall, Hettinger, Holley, Holmes, Johnson (RW), Junkins, Mathis, Melton, Moon, Parker, Payne, Poole, Rogers, Thomas and Warren.

—23

H. 205 TEMPORARILY CARRIED OVER

On motion of Rep. Flowers, the bill, H. 205, was temporarily carried over.

And the bill:

H. 26. To amend section 32-2-8, Code of Alabama 1975, relating to fees charged for copies of records of the Department of Public Safety, so as to increase the fee charged for a copy of any record in the files of the department of public safety.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 22.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Drake, Faulk, Frazier, Freeman, Goodwin, Gray, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Knight, Lindsey, Logan, Marks, McKee, McMillan, Melton, Mikell, Newton, Payne, Penry, Perdue, Rains, Richardson, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, White (G), White (L), Willis, Wright and Zoghby.

—65

Nays:

Reps. Bugg, Burke, Buskey (JE), Buskey (JL), Ford, Grayson, Hall, Holley, Holmes, Johnson (RW), Junkins, Kennedy, Laird, Mathis, McDowell, Moon, Newman, Parker, Poole, Rogers, Warren and White (F).

—22

RESOLUTION

The following resolution was introduced:

By Rep. Campbell:

H. R. 89. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, September 1, 1988, we adjourn to meet again on Friday, September 2, 1988, at 9:30 A. M.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. R. 89, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 23. To amend section 32-6-15, Code of Alabama 1975, relating to fees for duplicate drivers' licenses, so as to increase the fee for a duplicate of lost or destroyed licenses.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 33.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Bowling, Box, Breedlove, Carothers, Carter, Coburn, Cosby, Curry, Dillard, Drake, Faulk, Freeman,

Gaston, Goodwin, Grouby, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hooper, Knight, Kvalheim, Lindsey, Logan, Marks, McMillan, Mikell, Newman, Newton, Penry, Perdue, Richardson, Seibels, Slaughter, Spratt, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—50

Nays:

Reps. Black, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Ford, Frazier, Grayson, Hall, Haynes, Hettinger, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Mathis, McDowell, Melton, Moon, Parker, Payne, Poole, Rogers, Starkey, Thomas, Warren, White (F) and Williams.

—33

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Laird would have voted "Yea" on the bill, H. 23, had he been in the Chamber at the time of voting.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Johnson (RW), the rules were suspended in order to take up out of order the bill, H. 163.

And the bill:

H. 163. Relating to employment security programs of the Department of Industrial Relations so as to provide for an assessment of 0.06% against wages paid by certain employers for a three-year period beginning January 1, 1989 and ending December 31, 1991; to provide for the collection, appropriation and disbursement of such assessment, and to provide for the establishment of the "Employment Security Administration Enhancement Fund" in the state treasury; to amend Sections 25-4-31, 25-4-54 and 25-4-143, Code of Alabama 1975, as amended, all relating to the Unemployment Compensation Trust Fund, so as to provide for a reduction of 0.06% in the rates of unemployment compensation contributions of certain employers effective for calendar years beginning on January 1, 1989 and ending on December 31, 1991, to provide for the appropriation of this and other revenue and for the transfer from the clearing account certain moneys into certain separate special funds in the state treasury.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 101; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim,

Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—101

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 163:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Mathis, McClain, McDowell, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Laird, the rules were suspended in order to take up out of order the bill, H. 188.

And the bill:

H. 188. To amend sections 25-4-72, 25-4-73, 25-4-76 and 25-4-77, Code of Alabama 1975, relating to the Unemployment Compensation Act effective for weeks within benefit years beginning on and after January 1, 1989, so as to increase maximum weekly unemployment benefits to \$145, compute such weekly benefits on the average of the covered wages paid to an individual during the two quarters of his base period in which such wages were highest.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 102; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—102

Nay: Rep. Poole.

—1

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 188:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Junkins, Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Rains, Rogers, Seibels, Slaughter, Spratt, Starkey, Turner, Venable, Warren, White (G), White (L) and Zoghby.

And the bill:

H. 205. To amend Sections 32-8-6, 32-8-7 and 32-8-87, Code of Alabama 1975, relating to the Uniform Certificate of Title and Theft Act, so as to simplify the motor vehicle title transaction fee schedule; to increase certain commissions and fees for services rendered; and to clarify inspection procedures for obtaining titles for rebuilt vehicles.

Was taken up.

AMENDMENT OFFERED

Rep. Harper offered the following amendment to the bill, H. 205:

Amend House Bill 205 on page 1, line 33 by deleting the figure "\$5.00" and inserting in lieu thereof the figure:

\$15.00

Further amend H. B. 205 on page 2, lines 15 and 24, by deleting the figure "\$1.00" and inserting in lieu thereof the figure:

\$1.50

Further amend H. B. 205 on page 2, line 25, by deleting the figure "\$5.00" and inserting in lieu thereof the figure:

\$15.00

Further amend H. B. 205 on page 3 on lines 8 and 9, by deleting the figure "\$1.00" and inserting in lieu thereof the figure:

\$1.50

Further amend H. B. 205 on page 7, line 5, by deleting the figure "\$5.00" and inserting in lieu thereof the figure:

\$15.00

Further amend H. B. 205 on page 9, line 19, by deleting the figure "\$5.00" and inserting in lieu thereof the figure:

\$15.00

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 65; Nays 12.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Bowling, Breedlove, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carter, Clark (W), Coburn, Curry, Davis, Dillard, Drake, Faulk, Fuller, Gaston, Gray, Hamilton, Hammett, Harper, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Lindsey, Logan, Marietta, Marks, McClain, McMillan, Newton, Parker, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, White (G), White (L), Williams and Zoghby.

—65

Nays:

Reps. Black, Box, Brooks, Butler, Ford, Frazier, Hall, Moon, Newman, Payne, Warren and White (F).

—12

CO-SPONSOR ADDED

Rep. Harper was added as co-sponsor to the bill, H. 205.

And the bill, H. 205 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 30.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Bowling, Breedlove, Bryant, Buskey (JL), Campbell, Carter, Clark (W), Coburn, Cosby, Davis, Dillard, Drake, Faulk, Fuller, Goodwin, Hamilton, Hammett, Harper, Harvey, Headley, Hogan, Kennedy, Kvalheim, Lindsey, Logan, Marks, McClain, McMillan, Mikell, Newton, Penry, Perdue, Petelos, Seibels, Starkey, Thomas, Venable, White (G), White (L), Williams and Zoghby.

—47

Nays:

Reps. Box, Brooks, Bugg, Burke, Buskey (JE), Butler, Ford, Frazier, Freeman, Grayson, Hall, Haynes, Hettinger, Higginbotham, Hill, Holley, Johnson (RG), Johnson (RW), Junkins, Melton, Moon, Newman, Parker, Payne, Poole, Richardson, Rogers, Warren, White (F) and Willis.

—30

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Melton inadvertently voted "Nay" on the bill, H. 205, and intended to vote "Yea".

And the bill:

H. 233. To impose an excise tax on illegal possession, distribution, sales, use and other transactions involving certain drugs or controlled substances and to provide for disposition of the proceeds of the tax; and to provide for criminal penalties for violating this act.

Was taken up.

AMENDMENT OFFERED

Rep. Hettinger offered the following amendment to the bill, H. 233:

Amend House Bill 233, Section 12(b), Page 5, Line 20, after the word(s) "by this Act" by adding the following:

except law enforcement officials when acting for the purpose of carrying out Section 13(d) of this Act

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 94; Nays 2.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Curry, Davis, Dillard, Drake, Faulk, Ford, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams and Zoghby.

—94

Nays: Reps. Frazier and Willis.

—2

And the bill, H. 233 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 2.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hogan, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, McClain, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Poole, Rains, Seibels, Slaughter, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams and Zoghby.

—86

Nays: Reps. Frazier and Willis.

—2

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Reps. Holley and Johnson (RW) would have voted "Yea" on the bill, H. 233, had they been in the Chamber at the time of voting.

And the bill:

H. 203. To levy an additional privilege tax on cigarette papers and to provide for the assessment, collection and distribution of such tax; to confer powers and impose duties on the department of revenue; to prescribe criminal penalties for enforcement; to provide for the distribution of the net revenues from such tax to the forestry commission for fire protection purposes; and to provide the provisions of this act are cumulative.

Was taken up.

AMENDMENT OFFERED

Rep. Haynes offered the following amendment to the bill, H. 203:

Amend House Bill 203, Section 2, Page 2, Line 17, after the word "of" by striking the following: ~~25~~ and substituting in lieu thereof the following:
50

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carter, Clark (W), Cosby, Crow, Curry, Dillard, Drake, Escott, Faulk, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Logan, Marks, Mathis, McClain, McDowell, McKee, Mikell, Moon, Newman, Newton, Parker, Payne, Perdue, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—78

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Haynes offered the motion to reconsider the vote by which the amendment offered by him to the bill, H. 203, was adopted, and the motion to reconsider was adopted.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Ford:

H. R. 90. HONORING OUR COLLEAGUE, BILL BOWLING OF CULLMAN, AND DESIGNATING HIM AS THE HARDEST WORKING MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES FOR 1988.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Campbell (With Notice and Proof):

S. 9. Relating to Lawrence County, providing for an advisory referendum election relating to the manner of electing the members of the county commission.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 9, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Campbell (With Notice and Proof):

S.11. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Decatur, in Morgan County.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 11, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Campbell (With Notice and Proof):

S. 12. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 12, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Bedford:

S. 16. Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of a Franklin County Water Coordinating and Fire Prevention Authority by a general or a local act of the Legislature.

Also:

By Senator Drinkard (With Notice and Proof):

S. 30. Relating to Etowah County; creating the Etowah County Senior Center Finance Authority; providing further for the care and services to certain elderly and disabled individuals; providing for the powers and duties of the members of the authority; providing for the composition and terms of the authority; prescribing the funding for the authority; exempting the authority from any and all local, county or state taxes of whatsoever nature,

including gross receipts, sales and ad valorem; authorizing the authority to render services or to contract for services, goods, equipment and space; providing for the payment of the costs of establishing and maintaining multipurpose senior centers; authorizing the authority to issue bonds; and repealing any conflicting laws.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 30, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Drinkard:

S. 32. To propose a local constitutional amendment levying additional ad valorem taxes in Etowah County for senior citizen centers and county indebtedness; and to provide for the allocation of such revenues and a tax exemption for senior citizen centers operated in the county, subject to Amendment 425 to the Constitution of 1901.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 9. Local Legislation No. 1.

S. 11. Local Legislation No. 1.

S. 12. Local Legislation No. 1.

SENATE MESSAGE

The Senate Bill, S. 16, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Local Legislation No. 1.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 30. Local Legislation No. 1.

SENATE MESSAGE

The Senate Bill, S. 32, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Bedford:

S. 17. Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of a Lamar County Water Coordinating and Fire Prevention Authority by a general or a local act of the Legislature.

Also:

By Senator Bedford:

S. 18. Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of a Winston County Water Coordinating and Fire Prevention Authority by a general or a local act of the Legislature.

Also:

By Senator Bedford:

S. 19. Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of a Fayette County Water Coordinating and Fire Prevention Authority by a general or a local act of the Legislature.

Also:

By Senator Bedford (With Notice and Proof):

S. 25. Relating to Franklin County; to provide for additional expense allowances for members of the board of registrars and to provide for its retroactive effect.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 25, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Drinkard (With Notice and Proof):

S. 33. Providing for the filling of vacancies, for whatever nature, in the public offices in Etowah County; prescribing the election procedure for certain vacancies for more than one year remaining; prescribing the manner of operating any vacant office for an unexpired term of less than a year; and repealing conflicting laws.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 33, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senators Cabaniss, Hilliard, and Bennett (With Notice and Proof):

S. 54. To authorize the Jefferson County Board of Health to designate services rendered by the health department under its control for which fees

may be charged and to establish the appropriate fee for each service; to authorize the Jefferson County Board of Health to charge and collect fees for services designated pursuant to this act; to provide that all fees established and collected pursuant to this act shall be retained and used by the Jefferson County Board of Health; to provide that all fees established and collected pursuant to this act shall not replace, but shall supplement and be in addition to, any and all federal, state and local funds otherwise provided to the Jefferson County Board of Health; to provide conditions applicable to the establishment and modification of fees authorized pursuant to this act; to authorize the Jefferson County Board of Health to adopt and to alter rules and regulations for the implementation and administration of this act and to provide that fees charged pursuant to this act shall be established, modified and collected in accordance with such rules and regulations; to provide that fees for services shall not be charged to persons unable to pay and to provide for confidentiality in the determination of any person's ability to pay; and to repeal all laws or parts of laws in conflict with this act to the extent applicable to Jefferson County.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 54, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Parsons (With Notice and Proof):

S. 59. Relating to Jefferson County; to continue the office of Assistant Sheriff, Bessemer Division: to prescribe the duties, responsibilities and term; to provide for the appointment, qualifications and compensation of said office; to repeal all conflicting statutes; to provide for severability of the provisions of this act and to prescribe the effective date of such act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 59, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Parsons (With Notice and Proof):

S. 61. Relating to Jefferson County; to prescribe for the compensation of the Chief Deputy Sheriff of Jefferson County and to provide for the payment thereof.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 61, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time at length as required by the Constitution, and referred to the Standing Committees as follows:

- S. 17. Local Legislation No. 1.
- S. 18. Local Legislation No. 1.
- S. 19. Local Legislation No. 1.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 25. Local Legislation No. 1.
- S. 33. Local Legislation No. 1.
- S. 54. Local Legislation No. 2.
- S. 59. Local Legislation No. 2.
- S. 61. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Denton, Cabaniss, Drinkard, Rice, Holmes, deGraffenried, Bennett, Amari, and Foshee:

S. 1. To amend sections 25-4-72, 25-4-73, 25-4-76 and 25-4-77, Code of Alabama 1975, relating to the Unemployment Compensation Act effective for weeks within benefit years beginning on and after January 1, 1989, so as to increase maximum weekly unemployment benefits to \$145, compute such weekly benefits on the average of the covered wages paid to an individual during the two quarters of his base period in which such wages were highest.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

- S. 1. Business and Labor.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senator Drinkard (With Notice and Proof):

S. 31. Relating to Etowah County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes

under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; abolishing the offices of tax assessor and tax collector; repealing conflicting laws; and providing for a referendum thereon.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 31, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 31. Local Legislation No. 1.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:09 P.M. on September 1, 1988.

H. J. R. 32

H. J. R. 33

H. J. R. 34

H. J. R. 36

H. J. R. 70

Delivered to the Governor at 4:03 P.M. on September 1, 1988.

H. J. R. 37

H. J. R. 38

H. J. R. 41

H. J. R. 39

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Hettinger and pursuant to the resolution, H. R. 89 heretofore adopted, the House adjourned until 9:30 o'clock a.m., Friday, September 2, 1988.

FOURTH DAY

House of Representatives
Montgomery, Alabama
Friday, September 2, 1988

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Dick McAllister, Director of Missions for the Geneva Baptist Association, Geneva, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ed Dombrowski.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—105

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the third legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the third legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the third legislative day was approved.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 234. To provide for revisions to the Code of Alabama 1975, dealing with ad valorem taxation, so as to offer equity and equalization in administration of ad valorem taxes, by amending the following code sections successively: Section 40-7-23, Code of Alabama 1975, as amended, to establish requirements under which a taxpayer may avoid the statutory ten percent penalty normally assessed on escaped tangible personal property ad valorem taxes, for the tax years ending on or before September 30, 1988, and to waive, upon the taxpayer's fulfilling the requirements of Section 40-7-23, the taxpayer's ad valorem tax liability on tangible personal property so assessed for the tax years ending on or before September 30, 1987, Sections 40-7-1, 40-8-1, 40-11-1, 40-12-240, 40-12-255 and 40-12-256, Code of Alabama 1975, to provide for assessment and payment of ad valorem taxes by owners of mobile homes the same as other real property and personal property owners, to identify the class of assessment for travel trailers, to eliminate the requirement for owners of mobile homes to purchase a license tag and pay the \$3.00 registration fee, to provide for the uniform identification and assessment of mobile homes, to authorize the commissioner of revenue to require that certain mobile home and ad valorem tax information be reported by real property owners on forms and through procedures prescribed by the commissioner of revenue, to require any public or private entity that provides or sells any gas or electric services to provide to the county tax assessing official, at least monthly, a list containing each mobile home to which such entity has connected gas or electric service in the county during the preceding period, together with the name of the occupant and the location of the connection, to authorize the commissioner of revenue to promulgate rules and regulations necessary to carry out the provisions of this act and to make certain grammatical and clarifying changes; Sections 40-5-9, 40-10-21, 40-10-75, 40-10-76, 40-10-77, 40-10-83, 40-10-121, 40-10-122, and 40-10-132, Code of Alabama 1975, to increase the interest rate on delinquent ad valorem taxes and on taxes paid upon redemption; and by amending Section 40-7-21, Code of Alabama 1975, establishing the class of misdemeanor for failure or refusal to provide information deemed essential to assessment of property and to authorize proper authority to audit, examine, and inspect records and property, as needed, to enforce the assessment and collection of ad valorem taxes.

TOMMY CARTER,
Chairman.

And the bill, H. 234 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 2. COMMITTEE APPOINTED TO ESCORT GOVERNOR
TO JOINT SESSION OF LEGISLATURE.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Carter, the rules were suspended to take up the immediate consideration of the uncontested local bills on the Calendar, and on completion, proceed directly to the Regular Calendar.

BILLS ON THIRD READING

And the bill:

H. 170. To authorize the Greene County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Box, Breedlove, Brooks, Bryant, Bugg, Dillard, Freeman, Fuller, Goodwin, Grayson, Hall, Harper, Haynes, Johnson (RG), Kennedy, Knight, Laird, Layson, Lindsey, Marks, Moon, Newman, Parker, Payne, Perdue, Poole, Rains, Rogers, Starkey, Thomas, Turner, Venable, Warren, White (G) and Zoghby.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 215. Relating to Blount County; to provide further for fire districts within the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Box, Breedlove, Brooks, Bryant, Butler, Dillard, Ford, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett,

Harvey, Headley, Hettinger, Hill, Laird, Layson, Lindsey, Marks, McKee, Mikell, Moon, Parker, Payne, Perdue, Petelos, Seibels, Starkey, Thomas, Turner, Venable, Walker, White (G) and White (L).

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 75. To alter, extend, rearrange and redefine the boundaries and corporate limits of the City of Huntsville in Madison County, annexing certain territory to the city.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 1.

Yeas:

Mr. Speaker, Beers, Black, Box, Breedlove, Brooks, Bryant, Butler, Campbell, Curry, Dillard, Freeman, Fuller, Gaston, Grayson, Hamilton, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Johnson (RG), Kennedy, Lindsey, Marietta, Marks, McKee, Mikell, Moon, Parker, Payne, Perdue, Petelos, Poole, Seibels, Turner, Venable, Walker, Warren, White (G), White (L) and Zoghby.

—43

Nay: Rep. Hall.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 176. Relating to the City of Huntsville in Madison County; to authorize the Huntsville Board of Education and the Huntsville City Council to agree to qualify, run for office, and be elected from the same geographical districts, and to allow the said Board and Council to agree to have five or more such districts.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Butler, Carothers, Curry, Dillard, Freeman, Fuller, Gaston, Goodwin, Grayson, Hamilton, Hammett, Haynes, Headley, Hettinger, Hill, Johnson (RG),

Kennedy, Layson, Marietta, Marks, Mathis, McKee, McMillan, Mikell, Moon, Parker, Payne, Perdue, Petelos, Poole, Seibels, Starkey, Venable, Walker, Warren, White (G), White (L) and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 231. Relating to Madison County; to exempt from all county, local or municipal ad valorem taxes all property owned and used by the Huntsville Land Trust, Incorporated.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blake, Box, Breedlove, Brooks, Bryant, Butler, Carothers, Curry, Dillard, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Hettinger, Hill, Johnson (RG), Kennedy, Layson, Marietta, Marks, Mathis, Parker, Payne, Perdue, Petelos, Poole, Starkey, Thomas, Venable, White (G) and Zoghby.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 124. To authorize an additional county salary supplement for the District Attorney of the Thirty-Seventh Judicial Circuit; to provide that the provisions of this act shall be effective October 1, 1988.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Breedlove, Brooks, Bryant, Bugg, Butler, Crow, Curry, Dillard, Freeman, Fuller, Gaston, Grayson, Hall, Hamilton, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Hooper, Kennedy, Layson, Lindsey, Marietta, Marks, McKee, Mikell, Parker, Payne, Perdue, Petelos, Reed, Turner, Venable, Walker, White (G), White (L), Williams and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 160. Relating to Shelby County; to provide further for the compensation of certain poll officials and poll workers.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blake, Breedlove, Brooks, Bryant, Bugg, Crow, Curry, Dillard, Freeman, Fuller, Gaston, Grayson, Grouby, Hall, Hamilton, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Johnson (RG), Kennedy, Knight, Layson, Marietta, Marks, McKee, Mikell, Moon, Newman, Parker, Payne, Perdue, Poole, Reed, Richardson, Seibels, Thomas, Walker, White (G), White (L), Williams and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 278. Relating to Randolph County, repealing Act No. 88-328, H. 857, enacted in the Regular Session of 1988, allowing the Randolph County Health Department to set fees for service.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Breedlove, Brooks, Bryant, Campbell, Dillard, Fuller, Gaston, Grayson, Grouby, Hamilton, Hammett, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Johnson (RG), Knight, Larid, Layson, Marks, McKee, Moon, Newman, Parker, Payne, Perdue, Petelos, Poole, Richardson, Seibels, Thomas, Venable, Walker, White (G), White (L) and Zoghby.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 281. Relating to Dale County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Dale County; repealing conflicting laws; and prescribing the effective date of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blake, Breedlove, Brooks, Bryant, Bugg, Buskey (JL), Butler, Campbell, Crow, Curry, Dillard, Frazier, Freeman, Fuller, Gaston, Grayson, Hall, Hamilton, Hammett, Headley, Hettinger, Higginbotham, Hill, Hogan, Johnson (RG), Kennedy, Layson, Lindsey, Marks, McKee, Moon, Newman, Parker, Payne, Perdue, Poole, Reed, Richardson, Seibels, Thomas, Venable, Walker, White (G), White (L), Williams, Willis and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 285. To propose an amendment to the Constitution of Alabama of 1901, to authorize the governing body of the City of Anniston in Calhoun County to appropriate public funds to the East Alabama United Cerebral Palsy Center.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Breedlove, Brooks, Bryant, Bugg, Buskey (JL), Butler, Campbell, Carothers, Carter, Crow, Curry, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Jenkins, Kennedy, Knight, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Reed, Richardson, Thomas, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis and Zoghby.

—71

And the bill:

H. 294. Relating to Elmore County; to amend Act No. 84-634 of the 1984 Regular Session relating to the compensation of members of the county commission, so as to alter the amount of said compensation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blake, Breedlove, Brooks, Buskey (JL), Butler, Campbell, Carothers, Carter, Crow, Curry, Dillard, Frazier, Freeman, Fuller, Gaston, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Johnson (RG), Kennedy, Knight, Layson, Lindsey, Marietta, Marks, Mathis, McKee, Mikell, Moon, Newman, Parker, Payne, Perdue, Petelos, Poole, Richardson, Seibels, Turner, Venable, Walker, White (G), White (L) and Zoghby.

—54

And the bill:

H. 90. Relating to the twenty-first judicial circuit, Escambia County, Alabama; providing further for expense allowances and equalizing expense allowances for the presiding circuit judge, circuit judge No. 2 and the district judge of the circuit; providing for such expense allowances to be payable from the county treasury.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Breedlove, Brooks, Bryant, Buskey (JL), Butler, Campbell, Carter, Curry, Dillard, Frazier, Freeman, Gaston, Grayson, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hogan, Johnson (RG), Kennedy, Knight, Layson, Marietta, Marks, McKee, McMillan, Mikell, Moon, Newman, Parker, Payne, Poole, Seibels, Turner, Venable, Walker, White (G), White (L) and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 183. Relating to Escambia County; there is hereby levied a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of cigarettes in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Butler, Campbell, Carter, Curry, Dillard, Freeman, Gaston, Grayson, Grouby, Hall,

Hamilton, Harper, Harvey, Headley, Hettinger, Higginbotham, Johnson (RG), Kennedy, Knight, Kvalheim, Layson, Marietta, Marks, McKee, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Poole, Richardson, Seibels, Turner, Walker, White (F), White (G), White (L) and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business.

And the bill:

H. 203. To levy an additional privilege tax on cigarette papers and to provide for the assessment, collection and distribution of such tax; to confer powers and impose duties on the department of revenue; to prescribe criminal penalties for enforcement; to provide for the distribution of the net revenues from such tax to the forestry commission for fire protection purposes; and to provide the provisions of this act are cumulative.

As amended on the third legislative day, was taken up.

SUBSTITUTE AMENDMENT OFFERED

Rep. White (L) offered the following substitute amendment to the amendment offered by Rep. Haynes to the bill, H. 203:

To amend H. B. 203 on page 8 on line 7 by adding the following after the word "departments":

"and/or five districts."

Further amend the bill on page 8 by deleting line 8 in its entirety.

AMENDMENT WITHDRAWN

The rules were suspended and Rep. Haynes was granted permission to withdraw his amendment to the bill, H. 203.

SUBSTITUTE AMENDMENT OFFERED

Rep. Freeman offered the following substitute amendment to the amendment offered by Rep. White (L) to the bill, H. 203:

Amend H. B. 203 on page 8 by deleting Section 19, and by adding the following new Section 19:

"Section 19. All proceeds of this tax will be deposited in the state treasury to the credit of the State General Fund."

Further amend the bill on the title on page 1 on lines 24 and 25 by deleting the following "forestry commission for fire protection purposes" and inserting in lieu thereof, the following: "State General Fund"

SUBSTITUTE AMENDMENT ADOPTED

And the substitute amendment was adopted.

Yeas 56; Nays 20.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Buskey (JL), Butler, Campbell, Carter, Coburn, Cosby, Curry, Drake, Freeman, Fuller, Gaston, Goodwin, Grouby, Hammett, Harper, Haynes, Headley, Hettinger, Hill, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Laird, Lindsey, Marietta, Marks, McKee, Melton, Penry, Petelos, Rains, Richardson, Slaughter, Spratt, Starkey, Venable, Warren, White (F), White (G), White (L), Williams and Zoghby.

—56

Nays:

Reps. Blake, Britnell, Crow, Faulk, Ford, Frazier, Grayson, Hall, Hamilton, Harvey, Higginbotham, Hogan, McDowell, Moon, Newman, Parker, Payne, Poole, Seibels and Walker.

—20

And the bill:

H. 203. To levy an additional privilege tax on cigarette papers and to provide for the assessment, collection and distribution of such tax; to confer powers and impose duties on the department of revenue; to prescribe criminal penalties for enforcement; to provide for the distribution of the net revenues from such tax to the State General Fund; and to provide the provisions of this act are cumulative.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 39; Nays 37.

Yeas:

Reps. Adams, Biddle, Blake, Blakeney, Breedlove, Britnell, Buskey (JL), Campbell, Cosby, Dillard, Drake, Freeman, Fuller, Goodwin, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Hill, Hooper, Johnson (RG), Kennedy, Laird, Lindsey, McKee, Moon, Penry, Perdue, Petelos, Rains, Richardson, Starkey, Walker, White (G), White (L), Williams and Zoghby.

—39

Nays:

Mr. Speaker, Beers, Black, Bowling, Box, Brooks, Bryant, Bugg, Butler, Carter, Coburn, Crow, Curry, Faulk, Ford, Frazier, Gaston, Grayson, Grouby, Hall, Higginbotham, Hogan, Holley, Junkins, Marietta, McDowell, Newman, Parker, Payne, Poole, Reed, Seibels, Slaughter, Spratt, Venable, Warren and White (F).

—37

H. 187 CARRIED OVER

On motion of Rep. Carothers, the bill, H. 187, was temporarily carried over.

And the bill:

H. 120. To amend section 8-6-3, Code of Alabama 1975, relating to registration of securities dealers and salesmen, so as to increase the fees for registration of dealers and salesmen and to make the fees nonrefundable.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 22.

Yeas:

Mr. Speaker, Adams, Blake, Blakeney, Bowling, Breedlove, Campbell, Carter, Coburn, Cosby, Curry, Dillard, Drake, Faulk, Fuller, Gaston, Gray, Grouby, Hamilton, Hammett, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hooper, Johnson (RG), Knight, Kvalheim, Lindsey, Logan, Marks, McClain, McKee, Mikell, Newman, Parker, Payne, Perdue, Petelos, Rains, Richardson, Seibels, Venable, White (G), White (L) and Zoghby.

—48

Nays:

Reps. Beers, Box, Brooks, Bugg, Butler, Ford, Frazier, Freeman, Hall, Hogan, Holley, Holmes, Johnson (RW), Laird, Marietta, Mathis, Moon, Poole, Reed, Rogers, Warren and White (F)

—22

And the bill:

H. 276. To provide for the department of public safety to furnish criminal history record searches of convictions within the state of Alabama whenever allowed by law and to establish a fee for providing the same.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 16.

Yeas:

Mr. Speaker, Adams, Blake, Blakeney, Box, Breedlove, Britnell, Bryant, Campbell, Carter, Coburn, Cosby, Curry, Dillard, Drake, Faulk, Ford, Fuller, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, McDowell, McMillan, Mikell, Parker, Penry, Perdue, Petelos, Richardson, Seibels, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (G), White (L) and Zoghby.

—59

Nays:

Reps. Beers, Brooks, Bugg, Burke, Butler, Frazier, Hettinger, Holley, Holmes, Johnson (RW), Moon, Newman, Payne, Rains, Reed and Rogers.

—16

And the bill:

H. 11. To require the state department of human resources to charge a fee at a certain hourly rate to be assessed as costs against the parties for

investigation services performed in cases involving divorce or divorce modifications, and to require that said fees shall be deposited in the state treasury to the credit of the state general fund.

Was taken up.

AMENDMENT OFFERED

Rep. Rogers offered the following amendment to the bill, H. 11:

Amend H. B. 11 on page 2 after Section 2, by adding a new Section 3.

"Section 3. Any individual that cannot afford to pay the fees provided for in Section 1 shall be exempted from said fees if that individuals income falls below the federal poverty line."

Further amend the bill by renumbering the succeeding sections appropriately.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 40; Nays 6.

Yeas:

Mr. Speaker, Black, Blake, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JL), Carter, Cosby, Curry, Davis, Ford, Gaston, Hammett, Headley, Hettinger, Higginbotham, Hill, Hogan, Holmes, Junkins, Kennedy, Kvalheim, Logan, Marietta, McClain, McDowell, Penry, Petelos, Rains, Reed, Rogers, Slaughter, Starkey, Turnham, Warren, White (G) and Zoghby.

—40

Nays: Reps. Box, Gray, Mathis, Poole, Thomas and White (L).

—6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 11 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 13.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Carothers, Carter, Coburn, Cosby, Crow, Curry, Davis, Drake, Frazier, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Kennedy, Knight, Kvalheim, Lindsey, Logan, Marietta, McClain, McDowell, McMillan, Mikell, Newman, Penry, Petelos, Rains, Richardson, Rogers, Seibels, Slaughter, Starkey, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Willis and Zoghby.

—63

Nays:

Reps. Bugg, Burke, Butler, Ford, Freeman, Grayson, Hall, Junkins, Laird, Layson, Mathis, Moon and Poole.

—13

H. 18 CARRIED OVER

On motion of Rep. Turnham, the bill, H. 18, was temporarily carried over.

And the bill:

H. 111. (With Amendment): To amend section 32-6-8, Code of Alabama 1975, relating to learning permits for drivers' licenses, so as to provide for a four-year learner's license and increase the fees accordingly.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 111 on page 3, line 3, after the word "license", by adding the following language:

such driver's license shall be issued for the remainder of the four year life of the learner's license at no additional fee,

And the amendment was adopted.

Yeas 62; Nays 12.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JL), Carothers, Coburn, Cosby, Crow, Curry, Davis, Drake, Frazier, Fuller, Gaston, Goodwin, Gray, Hamilton, Hammett, Harvey, Headley, Hettinger, Hill, Hogan, Holmes, Johnson (RG), Kvalheim, Laird, Layson, Logan, Marks, McClain, McMillan, Mikell, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Seibels, Slaughter, Spratt, Starkey, Turnham, Venable, Warren, White (G), White (L) and Zoghby.

—62

Nays:

Reps. Butler, Freeman, Grouby, Hall, Harper, Haynes, Junkins, Kennedy, Mathis, McDowell, Moon and Williams.

—12

And the bill, H. 111 as thus amended, was read a third time at length and lost.

Yeas 42; Nays 42.

Yeas:

Mr. Speaker, Adams, Blake, Blakeney, Box, Breedlove, Britnell, Carothers, Carter, Cosby, Dillard, Drake, Fuller, Gaston, Goodwin, Gray, Hamilton,

Hammett, Headley, Hill, Knight, Kvalheim, Logan, Marks, McMillan, Mikell, Newman, Newton, Penry, Perdue, Petelos, Rains, Reed, Richardson, Seibels, Spratt, Starkey, Turnham, Venable, White (G), White (L) and Zoghby.

—42

Nays:

Reps. Black, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Coburn, Crow, Curry, Davis, Escott, Ford, Frazier, Freeman, Grayson, Grouby, Hall, Harper, Harvey, Haynes, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Laird, Layson, Mathis, McClain, McDowell, Moon, Parker, Payne, Poole, Rogers, Slaughter, Warren, White (F) and Williams.

—42

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Buskey (JL), the rules were suspended in order to take up out of order the bill, H. 222.

And the bill:

H. 222. (With Amendment): Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of heating and air conditioning contractors as provided in Sections 34-31-18 through 34-31-34, Code of Alabama 1975, with certain modifications; to amend Sections 34-31-18, 34-31-19, 34-31-21(g), 34-31-24, 34-31-28 and 34-31-31, Code of Alabama 1975, so as to: distinguish the function of install from service and repair; to delete all references to "registered" contractors; to correct an erroneous code subsection reference; and to provide further for the exemption period for taking examinations of the board for certain contractors having at least two years of experience (grandfather clause).

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Health, said committee amendment being as follows:

Amend H. B. 222, page 5, Section 3, line 17, after the date "September 30, 1988," by adding the following:

or who were registered with the board as of April 7, 1988,

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Carothers, Carter, Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hamilton, Hammett, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue,

Petelos, Poole, Rains, Reed, Rogers, Seibels, Slaughter, Spratt, Starkey, Venable, White (G), White (L), Williams, Willis and Zoghby.

—75

And the bill, H. 222 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Carothers, Carter, Cosby, Crow, Curry, Davis, Dillard, Drake, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Mikell, Moon, Newman, Newton, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Seibels, Slaughter, Spratt, Starkey, Venable, Warren, White (G), White (L), Williams and Zoghby.

—73

COMMITTEE MEETINGS

At the request of Rep. Campbell, leave of the House was granted for Standing Committees to meet during the recess.

RECESS

On motion of Rep. Campbell, the House recessed until 1:00 o'clock p.m.

HOUSE RECONVENED

The hour of 1:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Ford, the rules were suspended in order to introduce resolutions.

RESOLUTIONS

The following resolution was introduced:

By Reps. Ford, Junkins and Bugg:

H. J. R. 91. DESIGNATING OCTOBER 12, 1988, AS "JACK LANG APPRECIATION DAY" IN THE CITY OF GADSDEN.

WHEREAS, Jack Lang of Gadsden, Alabama, is a graduate of Gadsden High School and has been employed at the West Gadsden Cafe for the past eleven years; and

WHEREAS, a dedicated and loyal fan of both the Gadsden High School and Auburn Tigers, Mr. Lang also is an avid bowler and serves as secretary of his bowling league; and

WHEREAS, he is a former golf caddy, a member of the 12th Street Baptist Church in Gadsden and, among other interests and activities, finds great enjoyment in gospel singing; and

WHEREAS, Jack Lang is indeed a beloved member of his community; he knows no strangers, is a friend to all, and that friendship is returned in kind by everyone he meets; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of a truly distinguished member of the Gadsden community, we hereby name and designate October 12, 1988, as "Jack Lang Appreciation Day" in the City of Gadsden, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Lang that he, his brothers, Robert and Roy Lang, and his sister, the Honorable Sue Gildewell, Mayor of Rainbow City, Alabama, may know of this honorary designation of the Alabama Legislature.

On motion of Rep. Ford, the rules were suspended and the resolution, H. J. R. 91, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Ford, Junkins and Bugg:

H. R. 92. DESIGNATING OCTOBER 12, 1988, AS "JACK LANG APPRECIATION DAY" IN THE CITY OF GADSDEN.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S. J. R. 2. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the above and foregoing Message from the Senate.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Harper offered the motion to reconsider the vote by which the bill, H. 111, was lost, and the motion to reconsider was adopted.

H. 111 TEMPORARILY CARRIED OVER

On motion of Rep. Holmes, the bill, H. 111, was temporarily carried over.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 203. To levy an additional privilege tax on cigarette papers and to provide for the assessment, collection and distribution of such tax; to confer powers and impose duties on the department of revenue; to prescribe criminal penalties for enforcement; to provide for the distribution of the net revenues from such tax to the State General Fund; and to provide the provisions of this act are cumulative.

TOMMY CARTER,
Chairman.

And the bill, H. 203 as engrossed, was ordered sent to the Senate.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Payne, the rules were suspended in order to take up out of order the bill, H. 159.

And the bill:

H. 159. To amend Section 32-6-61, Code of Alabama 1975, as amended, to provide that the special license tag or license plate fees provided by Section 32-6-150(a) shall not be prorated, but shall be paid on an annual basis.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 1.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Cosby, Crow, Curry, Davis, Dillard, Drake, Faulk, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Gray, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Perdue, Petelos, Poole, Rains, Reed, Richardson, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—83

Nay: Rep. Laird.

—1

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Laird would have voted "Yea" on the bill, H. 159, had he been in the Chamber at the time of voting.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Richardson, the rules were suspended in order to take up out of order the bill, H. 52.

And the bill:

H. 52. To amend Sections 9-11-44 and 9-11-53, Code of Alabama 1975, relating to annual resident hunting and fishing licenses, respectively, so as to increase the license fees, to further provide for a hunting license exemption for certain residents, to delete a provision for a county fishing license, to increase the fishing license issuance fee, to further provide for an exemption relating to certain fishing by certain county residents, to provide for an exemption for certain persons fishing pursuant to Act No. 88-578, to increase the penalties in Section 9-11-44, and to authorize the issuance of licenses on a combination basis.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 21.

Yeas:

Mr. Speaker, Adams, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JL), Butler, Campbell, Carothers, Carter, Cosby, Crow, Dillard, Faulk, Flowers, Frazier, Fuller, Gaston, Grouby, Hamilton, Hammett, Harvey, Headley, Hettinger, Hogan, Hooper, Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McMillan, Mikell, Moon, Newman, Newton, Penry, Perdue, Reed, Richardson, Seibels, Slaughter, Spratt, Turner, Turnham, Venable, White (G), Willis and Zoghby.

—56

Nays:

Reps. Black, Bugg, Buskey (JE), Curry, Ford, Goodwin, Gray, Grayson, Harper, Haynes, Holley, Holmes, Johnson (RG), Payne, Petelos, Poole, Starkey, Thomas, Walker, Warren and White (F).

—21

H. 111 AGAIN TAKEN UP

And the bill, H. 111 as amended, was again read, a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 39.

Yeas:

Mr. Speaker, Adams, Blake, Blakeney, Box, Breedlove, Britnell, Campbell, Carothers, Carter, Cosby, Drake, Faulk, Fuller, Gaston, Goodwin, Gray, Hamilton, Hammett, Harper, Headley, Hill, Hooper, Knight, Kvalheim, Lindsey, Logan, Marietta, Marks, McKee, McMillan, Mikell, Newman, Newton, Penry, Perdue, Petelos, Richardson, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—48

Nays:

Reps. Beers, Black, Bowling, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Crow, Curry, Davis, Ford, Frazier, Grayson, Hall, Harvey,

Haynes, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Laird, McClain, McDowell, Moon, Parker, Payne, Poole, Rains, Reed, Rogers, Thomas, Warren, White (F) and Williams.

—39

And the bill:

H. 18. (With Substitute): To amend Sections 40-23-2(4), 40-23-61, 40-23-101 and 40-23-102, Code of Alabama 1975, which levy sales and use taxes on automotive vehicles, truck trailers, semitrailers, and house trailers, so as to increase the levy from 1½% to 3% and amends Sections 40-23-35 and 40-23-108 to distribute the additional funds generated to the state general fund.

Was taken up.

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Johnson (RW) offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 18:

A BILL TO BE ENTITLED AN ACT

To amend Sections 40-23-2, 40-23-61, 40-23-101 and 40-23-102, Code of Alabama 1975, which levy sales and use taxes on automotive vehicles, truck trailers, semitrailers, and house trailers, so as to increase the levy from 1½% to 2% and amends Sections 40-23-35 and 40-23-108 to distribute the additional funds generated to the state general fund.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-23-2, Code of Alabama 1975, is hereby amended to read as follows:

Section 40-23-2.

“There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

(1) Upon every person, firm, or corporation, (including the state of Alabama and its alcoholic beverage control board in the sale of alcoholic beverages of all kinds, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, any association or other agency or instrumentality of such institutions) engaged or continuing within this state, in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks, nor sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships and other watercraft of over 50 tons burden), an amount equal to four percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the

tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business.

Where any used part including tires of an automotive vehicle or a truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or rebuilt part or tire, the tax levied herein shall be paid on the net difference, that is, the price of the new or used part or tire sold less the credit for the used part or tire taken in trade, provided, however, this provision shall not be construed to include batteries.

(2) Upon every person, firm or corporation engaged or continuing within this state in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests, conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, or county, or a municipal institution, or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the state of Alabama, an amount equal to four percent of the gross receipts of any such business.

(3) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount equal to one and one-half percent of the gross proceeds of the sale of such machines; provided, that the term "machines," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(4) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail any automotive vehicle or truck trailer, semitrailer or house trailer, an amount equal to ~~one and one-half~~ two percent of the gross proceeds of sale of said automotive vehicle or truck trailer, semitrailer, or house trailer, provided, however, where a person subject to the tax provided for in this subdivision withdraws from his stock in trade any automotive vehicle or truck trailer, semitrailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of \$5.00 per year or part thereof during which such automotive vehicle, truck trailer, semitrailer or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the case may be of such withdrawal and shall run for the 12 succeeding months or part thereof during which such automotive vehicle, truck trailer, semitrailer or house trailer shall remain the property of such person.

Where any used automotive vehicle or truck trailer, semitrailer or house trailer is taken in trade or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

Sales of automobiles, trucks, truck trailers, or semitrailers that will be registered or titled outside Alabama, that are exported or removed from Alabama within 72 hours by the purchaser or his agent for first use outside Alabama are not subject to the Alabama sales tax. Sales of other vehicles such as mobile homes, motorcycles, motor bikes, all terrain vehicles, and boats do not qualify for the export exemption provision and are taxable unless the dealer can provide factual evidence that the vehicle was delivered outside of Alabama or to a common carrier for transportation outside Alabama. In order for the sale to be exempt from Alabama tax, the information relative to the exempt sale must be documented on forms approved by the Revenue Department.

Of the total \$.02 tax on each dollar of sale provided hereunder, \$.015 or 75% of the total tax generated by this paragraph (4) shall be deposited to the credit of the Alabama special educational trust fund; and \$.005, or 25% of the total tax generated by this paragraph (4) shall be deposited to the credit of the State General Fund.

(5) Upon every person, firm or corporation engaged or continuing within this state in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, there is hereby levied a tax equal to three percent of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subdivision shall be the gross proceeds of sales of such business."

Section 2. Section 40-23-35, Code of Alabama 1975, is hereby amended to read as follows:

Section 40-23-35.

"(a) Such amount of money as shall be appropriated for each fiscal year by the legislature to the department of revenue with which to pay the salaries, the cost of operation and management of said department shall be deducted, as a first charge thereon, from the taxes collected under the provisions of this division; provided, that the expenditure of said sum so appropriated shall be budgeted and allotted pursuant to article 4 of chapter 4 of Title 41 of this Code, and limited to the amount appropriated to defray the expenses of operating said department for each fiscal year. After the payment of the expenses, so much of the amount remaining as may be necessary, after first applying all sums of money received by reason of the application of the surplus in the income tax as provided by section 40-18-58, for the replacement in the public school fund of the three-mill constitutional levy for schools and in the general fund of the one-mill levy for soldiers' relief and the two and one-half mills for general purposes lost by exemption of homestead provided for in this division shall be first charges against the proceeds of said licenses, taxes or receipts levied or collected under this division. The comptroller, with the approval of the governor, is hereby directed to draw his warrants payable out of the total proceeds of said licenses, taxes or receipts levied or collected under this division as herein provided in such sum as shall be found necessary to take care of and replace the three-mill

constitutional school levy, the one-mill soldiers' relief levy and the two and one-half mill levy for general purposes of the state ad valorem taxes lost as above set forth.

(b) If Of the amounts of such collections in any fiscal year, remaining after the payment of the expenses of administration and replacement of the amounts in the several funds as herein provided, is equal to \$4,200,000.00, then the sum of \$378,000.00 there shall be paid into the treasury sums to be credited as follows:

(1) to the credit of the 67 counties of the state, to be divided and distributed as hereinafter provided, \$378,000.00;

(2) to the department of human resources, \$1,322,000.00;

~~If the amount of such collections in any fiscal year, remaining after the payment of expenses of administration, and the replacement of the amounts in the several funds derived from the state six and one-half mill tax, as herein provided, is less than \$4,200,000.00, then an amount equal to nine percent thereof shall be paid into the treasury to the credit of the 67 counties of the state to be divided and distributed as hereinafter provided.~~

~~(c) The One-half of the amount deposited to the credit of the 67 counties as above provided, which in no one fiscal year shall exceed nine percent of the amount of collections remaining after the payment of the expenses and charges herein first required to be paid, nor shall it in any event exceed the sum of \$378,000.00 for any one fiscal year, shall be divided and distributed as follows: One half of said proceeds shall be divided and distributed proportionately among the 67 counties of the state according to the population of the said counties as shown by the last federal census as proclaimed, published or certified by the director of the bureau of the census; and one-half of said proceeds shall be divided or distributed equally among 67 counties; provided, that the funds divided and distributed to the several counties of the state as hereinabove provided for shall be used exclusively for full-time health service in cooperation with the state board of health or the federal government, and for extension services in cooperation with the Alabama agricultural extension service or the federal government, at the discretion of the county commissions of the several counties of the state. If the amount of such collections in any fiscal year, after the payment of the expenses of administration and replacement of the amounts in the several funds as herein provided, is equal to \$4,200,000.00, then the sum of \$672,000.00 shall be paid into the treasury to the credit of the state department of human resources to~~

(d) The amounts provided in subsection (b) for the department of human resources shall be used for general welfare purposes. For purposes of this division, "general welfare purposes" means:

(1) The administration of public assistance as set out in sections 38-2-5 and 38-4-1;

(2) Services, including supplementation and supplementary services under the federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under said section 38-4-1;

(3) Services to and on behalf of dependent, neglected or delinquent children; and

(4) Investigative and referral services to and on behalf of needy persons.

~~If the amount of such collections in any fiscal year, remaining after the expenses of administration and the replacement of the amounts in the several funds derived from the state's six and one half mills tax, as herein provided, is less than \$4,200,000.00, then an amount equal to 16% thereof shall be paid into the treasury to the credit of the state department of human resources to be used for general welfare purposes. If the amount of such collections in any fiscal year, remaining after the payment of the expenses of administration and replacement of the amounts in the several funds as hereinabove provided and distributed, is greater than \$4,200,000.00 then an amount equal to one fourth of such excess shall be paid into the treasury to the credit of the state department of human resources to be used for general welfare purposes; provided, that this one fourth of such excess shall not exceed the sum of \$650,000.00 per annum; and~~

(e) ~~in~~ In addition, there shall be paid, commencing on January 1, 1978, and on the first day of each fiscal quarter thereafter, to the department of human resources for a statewide, state-administered food stamp program, as authorized, by the Food Stamp Act of 1964, Public Law 88-525, 88th Congress, and amendments thereto, an amount equal to five percent of the value of ~~coupons~~ food stamp benefits issued statewide in excess of the amount paid by recipients (bonus or free stamps) during the immediate prior fiscal quarter, which sum so appropriated shall be paid quarterly to the department of human resources trust fund for administration of the food stamp program in conformity with rules and regulations promulgated by the United States department of agriculture and in conformity with sections 38-1-1 through 38-6-9. Such administrative funds shall be limited to and based on fiscal year 1976-77 administrative costs, normal inflationary increases and mandated administration requirements of the Alabama legislature and the United States department of agriculture. The department of human resources will not staff any county food stamp office at a level which exceeds the average staff-to-recipient ratios which existed in Alabama during fiscal year 1976-77. This restriction will apply in coordination with those provided hereinabove and, should conflict occur, the lesser amount of expenditure shall be required. At the end of each fiscal year, an accounting shall be made of said sum so that any unexpended and unencumbered balance of funds may be determined for the purpose of paying such balance to the Alabama special educational trust fund.

(f) The amount of the proceeds of all taxes levied by this division remaining after the payment of the expenses of administration and enforcement and the replacement in the several funds of the amount lost by any homestead exemptions and the distribution to the counties as herein provided in subsection (b) and (e), shall be paid into the Alabama special educational trust fund, except as provided in sections 40-23-2(4) and 40-23-61(c).

In this division, "general welfare purposes" means:

~~(1) The administration of the public assistance as set out in sections 38-2-5 and 38-4-1;~~

~~(2) Services, including supplementation and supplementary services under the federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under said section 38-4-1;~~

~~(3) Services to and on behalf of dependent, neglected or delinquent children; and~~

~~(4) Investigative and referral services to and on behalf of needy persons."~~

Section 3. Section 40-23-61, Code of Alabama 1975, is hereby amended to read as follows:

Section 40-23-61.

"(a) An excise tax is hereby imposed on the storage, use or other consumption in this state of tangible personal property, not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of more than 50 tons burden, purchased at retail on or after October 1, 1965, for storage, use or other consumption in this state at the rate of four percent of the sales price of such property or the amount of tax collected by the seller, whichever is greater; provided, however, when the seller follows the department of revenue's suggested use tax brackets and his records prove that his following said brackets resulted in a net undercollection of tax for the month, he may report the tax due or tax collected, whichever is less, except as provided in subsections (b) and (c) of this section.

(b) An excise tax is hereby imposed on the storage, use or other consumption in this state of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, purchased at retail on or after October 1, 1965, at the rate of one and one-half percent of the sales price of any such machine or the amount of tax collected by the seller, whichever is greater; provided, however, when the seller follows the department of revenue's suggested use tax brackets and his records prove that his following said brackets resulted in a net undercollection of tax for the month, he may report the tax due or tax collected, whichever is less; provided, that the term "machine," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(c) An excise tax is hereby imposed on the storage, use or other consumption in this state of any automotive vehicle or truck trailer, semitrailer or house trailer purchased at retail on or after October 1, 1965, for storage, use or other consumption in this state at the rate of ~~one and one-half~~ two percent of the sales price of such automotive vehicle, truck trailer, semitrailer or house trailer or the amount of tax collected by the seller, whichever is greater; provided, however, when the seller follows the department of revenue's suggested use tax brackets and his records prove that his following said brackets resulted in a net undercollection of tax for the month, he may report the tax due or tax collected, whichever is less. Where any used automotive vehicle or truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

Of the total \$.02 tax on each dollar of sale provided hereunder, \$.015 or 75% of the total tax generated by this paragraph (c) shall be deposited to the credit of the Alabama special educational trust fund; and \$.005, or 25% of the total tax generated by this paragraph (c) shall be deposited to the credit of the State General Fund.

(d) Every person storing, using or otherwise consuming in this state tangible personal property purchased at retail shall be liable for the tax

imposed by this article, and the liability shall not be extinguished until the tax has been paid to this state; provided, that a receipt from a retailer maintaining a place of business in this state or a retailer authorized by the department, under such rules and regulations as it may prescribe, to collect the tax imposed hereby and who shall for the purpose of this article be regarded as a retailer maintaining a place of business in this state, given to the purchaser in accordance with the provisions of section 40-23-67, shall be sufficient to relieve the purchaser from further liability for tax to which such receipt may refer.

(e) An excise tax is hereby imposed on the classes of tangible personal property, and at the rates imposed on such classes, specified in subsections (a), (b) and (c) of this section, on the storage, use or other consumption in the performance of a contract in this state of any such tangible personal property, new or used, the tax to be measured by the sales price of the fair and reasonable market value of such tangible personal property when put into use in this state, whichever is less; provided, that the tax imposed by this subsection shall not apply where the taxes imposed by subsections (a), (b) or (c) of this section apply."

Section 4. Section 40-23-101, Code of Alabama 1975, is hereby amended to read as follows:

Section 40-23-101.

~~"There is hereby levied and shall be collected as herein provided a sales tax on the sale of any automotive vehicle, truck trailer, semitrailer and house trailer required to be registered or licensed with the judge of probate of any county in this state and purchased other than at wholesale in this state from any person, firm or corporation which is not a licensed dealer engaged in selling automotive vehicles, truck trailers, semitrailers or house trailers, as follows:~~

~~Commencing on and after July 1, 1981, upon upon every person, firm or corporation purchasing other than at wholesale within this state, any automotive vehicle, truck trailer, semitrailer or house trailer required to be registered or licensed with the judge of probate of any county in this state from any person, firm or corporation which is not a licensed dealer engaged in selling automotive vehicles, truck trailers, semitrailers or house trailers an amount equal to one and one-half two percent of the purchase price."~~

Section 5. Section 40-23-102, Code of Alabama 1975, is hereby amended to read as follows:

Section 40-23-102.

~~"There is hereby levied and shall be collected as herein provided in lieu of the excise tax levied by subsection (c) of section 40-23-61, an excise or use tax on the storage, use or other consumption in the state of any automotive vehicle, truck trailer, semitrailer or house trailer required to be registered or licensed with the judge of probate of any county in this state and purchased other than at wholesale outside the state on or after July 1, 1981, for storage, use or other consumption in this state as follows:~~

~~Commencing on and after July 1, 1981, upon upon every person, firm or corporation purchasing other than at wholesale outside the state any automotive vehicle, truck trailer, semitrailer or house trailer required to be registered or licensed with the judge of probate of any county in this state for use, storage or other consumption within this state there is levied in~~

lieu of the excise tax levied by subsection (c) of section 40-23-61, a tax in an amount equal to ~~one and one-half~~ two percent of the purchase price."

Section 6. Section 40-23-108, Code of Alabama 1975, is hereby amended to read as follows:

Section 40-23-108.

"The tax collector shall, after the deduction of the fee as provided in section 40-23-107, remit the revenue collected hereunder to the department of revenue for deposit as follows:

Of the total \$.02 tax on each dollar of sale, \$.015 or 75% of the total tax generated shall be deposited to the credit of the Alabama special educational trust fund; and \$.005, or 25% of the total tax generated shall be deposited to the credit of the State General Fund."

Section 7. The provisions of this Act are severable. If any part of this Act is declared unconstitutional or invalid, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 9. This Act shall become effective on October 1, 1988.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 72; Nays 16.

Yeas:

Mr. Speaker, Adams, Beers, Blakeney, Bowling, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Cosby, Curry, Davis, Dillard, Drake, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Hamilton, Hammett, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Newton, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—72

Nays:

Reps. Black, Blake, Box, Bugg, Buskey (JE), Crow, Frazier, Grouby, Hogan, Junkins, Laird, Moon, Newman, Warren, Williams and Willis.

—16

MOTION TO CARRY OVER TABLED

On motion of Rep. Turner, the motion offered by Rep. Butler to carry over the bill, H. 18 as amended, to the fifth legislative day, was tabled.

Yeas 65; Nays 26.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Bryant, Buskey (JL), Campbell, Carothers, Carter, Cosby, Crow,

Curry, Davis, Dillard, Drake, Faulk, Ford, Fuller, Gaston, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Layson, Logan, Marietta, Marks, McClain, McKee, Melton, Newton, Payne, Penry, Perdue, Petelos, Rains, Richardson, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, White (G), White (L), Willis and Zoghby.

—65

Nays:

Reps. Box, Brooks, Burke, Buskey (JE), Butler, Frazier, Goodwin, Grayson, Grouby, Haynes, Hettinger, Holley, Johnson (RG), Laird, Lindsey, Mathis, McDowell, Mikell, Moon, Newman, Parker, Poole, Reed, Rogers, Venable and Williams.

—26

AMENDMENT OFFERED

Rep. Holmes offered the following amendment to the bill, H. 18 as amended:

Amend H. B. 18 as substituted on page 5, line 7 and on page 11, line 22 by adding the following language after the period:

“The tax levied in this section must be paid by the seller and shall not be passed on to the buyer under any circumstance.”

AMENDMENT TABLED

On motion of Rep. Turner, the amendment offered by Rep. Holmes to the bill, H. 18 as amended, was tabled.

Yeas 64; Nays 18.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Blakeney, Bowling, Breedlove, Brooks, Bugg, Butler, Campbell, Carothers, Carter, Cosby, Crow, Curry, Dillard, Drake, Faulk, Flowers, Ford, Frazier, Gaston, Gray, Hamilton, Hammett, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Layson, Logan, Marietta, Marks, McKee, McMillan, Mikell, Newton, Parker, Payne, Penry, Petelos, Rains, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis and Zoghby.

—64

Nays:

Reps. Box, Bryant, Burke, Buskey (JE), Davis, Fuller, Grayson, Grouby, Haynes, Holmes, Johnson (RG), Mathis, McClain, Moon, Newman, Perdue, Rogers and Thomas.

—18

And the bill:

H. 18. To amend Sections 40-23-2, 40-23-61, 40-23-101 and 40-23-102, Code of Alabama 1975, which levy sales and use taxes on automotive vehicles,

truck trailers, semitrailers, and house trailers, so as to increase the levy from 1 1/2% to 2% and amends Sections 40-23-35 and 40-23-108 to distribute the additional funds generated to the state general fund.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 57; Nays 37.

Yeas:

Mr. Speaker, Adams, Blakeney, Bowling, Breedlove, Britnell, Bryant, Campbell, Carothers, Carter, Cosby, Curry, Davis, Dillard, Drake, Faulk, Fuller, Gaston, Gray, Grayson, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Holley, Hooper, Johnson (RW), Kennedy, Knight, Lindsey, Logan, Marks, McClain, McDowell, McKee, McMillan, Mikell, Newton, Payne, Penry, Perdue, Petelos, Rains, Reed, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, White (G), White (L) and Zoghby.

—57

Nays:

Reps. Beers, Black, Blake, Box, Brooks, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Crow, Ford, Frazier, Freeman, Goodwin, Grouby, Hall, Haynes, Hettinger, Hogan, Holmes, Johnson (RG), Junkins, Kvalheim, Laird, Layson, Marietta, Mathis, Moon, Newman, Parker, Poole, Rogers, Warren, White (F), Williams and Willis.

—37

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Hand (With Notice and Proof):

S. 180. Relating to Baldwin County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 180, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Hand (With Notice and Proof):

S. 181. Relating to Baldwin County; providing further for the compensation of poll workers.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 181, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Hand (With Notice and Proof):

S. 182. Relating to Baldwin County; repealing Act No. 88-381, H. 969, 1988 Regular Session (Acts 1988, p. 569) which increased court costs and provided for the disposition of the proceeds from the increase.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 182, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 180. Local Legislation No. 1.

S. 181. Local Legislation No. 1.

S. 182. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Smith (J) (With Notice and Proof):

S. 7. Relating to Madison County, providing a certain county supplement to the salary of each supernumerary circuit clerk in the Twenty-third Judicial Circuit payable from the county treasury.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 7, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Campbell (With Notice and Proof):

S. 10. Relating to Morgan County; authorizing and empowering the Morgan County commission and the governing bodies of the incorporated municipalities in such county to regulate and control through the issuance of permits the location of rock quarry blasting operations within the county.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 10, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Campbell (With Notice and Proof):

S. 13. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 13, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 7. Local Legislation No. 4.

S. 10. Local Legislation No. 1.

S. 13. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Dial (With Notice and Proof):

S. 47. Relating to Chambers County, repealing Act No. 88-277, H. 314, enacted in the Regular Session of 1988, allowing the Chambers County Health Department to set fees for service.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 47, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Smith (J) (With Notice and Proof):

S. 65. Relating to Madison County; to authorize the county commission to designate an official county historian and appropriate an honorarium for same.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 65, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Bedford (With Notice and Proof):

S. 66. Relating to Lamar County, amending Act No. 82-114, H. 522, 1982 Regular Session, which provided for the compensation of certain county officials, so as to increase the compensation of members of the board of registrars.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 66, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Bedford (With Notice and Proof):

S. 67. Relating to Lamar County, amending Act No. 82-114, H. 522, 1982 Regular Session, which provided for the compensation of certain county officials, so as to increase the compensation of members of the board of registrars.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 67, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Smith (J) (With Notice and Proof):

S. 115. Relating to Madison County; to exempt from all county, local or municipal ad valorem taxes all property owned and used by the Huntsville Land Trust, Incorporated.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 115, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Manley (With Notice and Proof):

S. 160. Relating to Marengo County; to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain postal cost reimbursement plus a fee not to exceed \$1.00 pursuant to such system of renewal of motor vehicle licenses by mail; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of licenses by the probate judge's office; and to transfer certain duties now performed by the revenue commissioner to said probate office.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 160, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Sanders (With Notice and Proof):

S. 162. Relating to the City of Eutaw in Greene County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eutaw.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 162, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Sanders (With Notice and Proof):

S. 164. Relating to the City of Eutaw in Greene County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eutaw.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 164, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 47. Local Legislation No. 1.
- S. 65. Local Legislation No. 4.
- S. 66. Local Legislation No. 1.
- S. 67. Local Legislation No. 1.
- S. 115. Local Legislation No. 4.
- S. 160. Local Legislation No. 1.
- S. 162. Local Legislation No. 1.
- S. 164. Local Legislation No. 1.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. White (L), the rules were suspended to receive introductions of bills.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Penry and McMillan:

H. 320. To authorize the state board of health to inspect waters in which oysters are harvested and to close oyster beds where the waters are

unsafe; to make harvesting oysters from a closed bed a Class B misdemeanor; and to repeal any conflicting laws or rules or regulations.

Committee on State Administration.

By Rep. Bryant (With Notice and Proof):

H. 321. Authorizing the probate judge of Perry County to have a chief clerk and two additional clerks to assist the probate judge of Perry County in the performance of his duties and to provide for retroactive effect.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 321, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Bryant (With Notice and Proof):

H. 322. Authorizing the county commission of Perry County to provide for a chief clerk and not more than two additional clerks to assist the county commission of Perry County in the performance of its duties.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 322, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Hall, Ford, Butler, and Freeman:

H. 323. Authorizing the use of crossbows to hunt deer by handicapped persons.

Committee on Agriculture,
Forestry and Natural Resources.

By Reps. Bugg, Junkins, and Ford (With Notice and Proof):

H. 324. Relating to the City of Gadsden, in Etowah County, amending Section 14 of Act No. 671, H. 921 of the 1951 Regular Session (Acts 1951, Vol. II, p. 1158), as amended by Act No. 88-434, H. 59, 1988 Regular Session, which creates and establishes, within certain cities classified on a population basis, a civil service system to govern the appointment, tenure, compensation, conditions of employment and removal of certain officers and employees of such cities, so as to provide further for the meetings of the civil service board.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 324, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Knight and Hill (With Notice and Proof):

H. 325. Relating to the Eighteenth Judicial Circuit, in Clay, Coosa and Shelby Counties, providing further for the compensation of the district attorney.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 325, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Laird (With Notice and Proof):

H. 326. Relating to Clay County, repealing Act No. 88-426, H. 938, enacted in the Regular Session of 1988, allowing the Clay County Health Department to set fees for service.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 326, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. White (L):

H. 327. To allow as a cost saving measure the State of Alabama to purchase a blanket bond to cover all notaries public within state government, to provide for the termination of an employee's notary commission upon separation from state government, to require notification to relieve the probate judge of certain liability.

Committee on Insurance.

By Rep. White (L):

H. 328. This bill amends the 1975 Code of Alabama, sections 41-15-2 through 41-15-9 and 41-15-11 to provide increased discounts for all insured, to clarify other provisions relating to the duties and responsibilities of the State Insurance Fund.

Committee on Insurance.

By Rep. Fuller:

H. 329. To amend section 9-11-237 of the Code of Alabama 1975 relating to the sale of game birds or animals or parts thereof, so as to legalize the sale of the hide, hooves or horns of any deer that is legally killed or taken in this state.

Committee on Agriculture,
Forestry and Natural Resources.

By Rep. Clark (J) (With Notice and Proof):

H. 330. Relating to Barbour County; providing further for the funding of the offices of the tax assessor and tax collector.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 330, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harper:

H. 331. To amend Act No. 87-761 of the 1987 Regular Legislative Session as it amended Section 4 of Act No. 86-645 1st Special Session, 1986, concerning the repayment of funds transferred from Fund No. 305735 by said Act.

Committee on Ways and Means.

By Rep. Parker:

H. 332. To amend Section 16-61-1, Code of Alabama 1975, which establishes a trust fund for eminent scholars, so as to include Athens State College within the public institutions authorized to receive grants from such trust fund.

Committee on Ways and Means.

By Reps. Hettinger, Butler, and Brooks:

H. 333. To propose an amendment to the Constitution of Alabama of 1901, as amended, so that notwithstanding existing provisions thereof the governing body of the City of Huntsville in Madison County shall have the authority to make a one-time appropriation of money, up to a maximum total appropriation of \$2,000,000.00, to one or more bona fide nonprofit organizations, which at the time of such appropriation has been organized for the purpose of fostering and coordinating volunteer activity in the field of the literary, visual, or performing arts, which said appropriation is to be used exclusively for construction of one or more buildings located within said city and owned by such organization; to provide that the City of Huntsville shall also have the authority to provide up to \$100,000.00 annually for certain operational expenses and maintenance of buildings; to provide that the provisions of such amendment, if adopted, shall be self-executing; and to provide for referendum.

Committee on Local Legislation No. 4.

The above bill was read a first time at length as required by the Constitution.

By Rep. Holley:

H. 334. To create a Waste Minimization and Environmental Education Consortium, to provide expertise to industries and the public in the field of solid and hazardous waste and to develop environmental programs for Alabama schools; to provide for membership in said consortium; to provide for its organization; to describe its purpose; to constitute the consortium as a body corporate; to provide for management of the consortium; to provide for an Oversight Committee and to provide for contributions and annual expenditures by the governing authorities of member institution.

Committee on Judiciary.

MOTION TO SUSPEND RULES

Rep. Perdue offered the motion to suspend the rules in order to take up out of order the bill, H. 208.

MOTION TO SUSPEND RULES

Rep. Campbell offered the motion to suspend the rules in order to receive the reports of the Standing Committees, and the motion was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Holley, the rules were suspended in order to introduce a bill.

BILLS ON SECOND READING

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 310. To amend Section 27-4-2, Code of Alabama 1975, which provides for the collection of certain fees and licenses by the Commissioner of Insurance, so as to increase certain fees.

H. 319. To increase the sales tax on certain alcoholic beverages and provides for its distribution.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 149. (With Amendment): To create and provide for the incorporation, organization and operation of the Alabama water system assistance authority; to prescribe the powers and functions of the said authority as a public corporation; to authorize the authority to make loans or grants to public water systems and to issue bonds; to establish a special "water supply assistance fund"; to provide for a legislative oversight committee to monitor such authority; to provide that the revenues accruing to the Alabama water system assistance authority from bonds issued by such authority shall be deposited in a certain fund to be operated by the Alabama department of economic and community affairs; and to provide for state assistance to and cooperation with community water systems in financing projects that would focus on locating, developing and sustaining adequate potable water supplies for the citizens of this state.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 288. Relating to motor vehicle licenses, registration and parking; to amend Sections 32-6-230, 32-6-231, 32-6-232, 32-6-233, 32-6-233.1 and 32-6-234 of the Code of Alabama 1975, so as to provide that certain temporarily handicapped individuals shall be granted temporary distinctive license plate decals or identification placards for use in special parking places reserved for handicapped persons; to authorize reciprocal agreements with other states regarding such parking places and to provide penalties for misuse and abuse of such parking places.

Rep. Hettinger, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following

bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 315. To amend Sections 1.03, 3.02, 3.14, 4.01, 4.02, 6.02 and 10.01 of Act No. 88-445, H. 963 of the 1988 Regular Session appearing in Article 1 of Chapter 44E of Title 11, Code of Alabama 1975, providing for a Mayor/Commission/City Manager form of government for Class 5 municipalities upon adoption by a municipality, so as to further provide for said form of government for Class 5 municipalities.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 11. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Decatur, in Morgan County.

S. 12. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

S. 16. Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of a Franklin County Water Coordinating and Fire Prevention Authority by a general or a local act of the Legislature.

The above bill was read a second time at length as required by the Constitution.

S. 17. Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of a Lamar County Water Coordinating and Fire Prevention Authority by a general or a local act of the Legislature.

The above bill was read a second time at length as required by the Constitution.

S. 18. Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of a Winston County Water Coordinating and Fire Prevention Authority by a general or a local act of the Legislature.

The above bill was read a second time at length as required by the Constitution.

S. 19. Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of a Fayette County Water Coordinating and Fire Prevention Authority by a general or a local act of the Legislature.

The above bill was read a second time at length as required by the Constitution.

S. 25. Relating to Franklin County; to provide for additional expense allowances for members of the board of registrars and to provide for its retroactive effect.

S. 31. Relating to Etowah County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; abolishing the offices of tax assessor and tax collector; repealing conflicting laws; and providing for a referendum thereon.

S. 33. Providing for the filling of vacancies, for whatever nature, in the public offices in Etowah County; prescribing the election procedure for certain

vacancies for more than one year remaining; prescribing the manner of operating any vacant office for an unexpired term of less than a year; and repealing conflicting laws.

H. 302. Relating to Etowah County, providing further for the expense allowance of the constable and providing for a retroactive effect.

H. 306. Relating to Macon County; to provide that beer or ale may be sold in containers not exceeding 24 ounces in size.

H. 307. Relating to Randolph County, repealing Act No. 88-328, H. 857, enacted in the Regular Session of 1988, allowing the Randolph County Health Department to set fees for service.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolution mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 1:23 P.M. on September 2, 1988.

H. J. R. 2

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Davis, the House adjourned until 1:00 o'clock p.m., Tuesday, September 6, 1988.

FIFTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, September 6, 1988

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Brother Tom Camp, Coosada Baptist Church, Coosada, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Ike Edwards.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL),

Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourth legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the fourth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fourth legislative day was approved.

BILLS ON SECOND READING

Rep. Gaston, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 320. To authorize the state board of health to inspect waters in which oysters are harvested and to close oyster beds where the waters are unsafe; to make harvesting oysters from a closed bed a Class B misdemeanor; and to repeal any conflicting laws or rules or regulations.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 7. Proposing an amendment to the Constitution of 1901, as amended, relating to the legislative process for considering the major appropriations bills for the operations of education, the operations of the executive, legislative and judicial branches of state government, the state public debt, and the other business of state government and setting a time frame therefor; and repealing Amendment No. 448 to the Constitution of 1901, as amended, Act No. 81-889, S. 32, First Special Session 1981 (Acts 1981, First, Second and Third Special Sessions, p. 25) relating to the legislative process for certain appropriations.

The above bill was read a second time at length as required by the Constitution.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 164. (With Substitute): To levy an additional state sales and use tax, to provide for the administration of said tax and to provide for the expiration of the tax.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 270. To amend Section 40-13-8, Code of Alabama 1975, as amended, so as to provide that the excise and privilege tax on coal shall terminate at the latest of the final maturity, redemption of and payment of all accrued interest on (i) bonds issued by the Alabama State Docks Department pursuant to Act No. 64 enacted at the 1971 First Special Session of the Legislature of Alabama, (ii) any obligations issued to refund any of the bonds issued pursuant to that Act or (iii) any obligations issued to refund any obligations described in clause (ii).

H. 273. To amend Sections 16-6A-12 and 16-6A-13, Code of Alabama 1975, which provide for the Educational Reform Act of 1984, so as to provide further for eligibility for and repayment of scholarship loans for teacher education programs in critical needs areas.

H. 277. Relating to education; providing for certain non-voting ex officio positions on the state board of education and on the boards of trustees of the several four-year state colleges and universities; prescribing the manner by which such ex officio positions shall be filled and the terms of such positions and providing that such ex officios shall receive certain mileage and per diem on meeting days.

H. 331. To amend Act No. 87-761 of the 1987 Regular Legislative Session as it amended Section 4 of Act No. 86-645 1st Special Session, 1986, concerning the repayment of funds transferred from Fund No. 305735 by said Act.

H. 224. To amend Section 36-1-6.1 of the Code of Alabama 1975, relating to insurance coverage for state employees or agents of the state, so as to provide that such coverage includes individuals serving as foster parents approved by the Department of Human Resources.

H. 279. To amend Sections 10-2A-114, 10-2A-116, 10-2A-180, 10-2A-183, 10-2A-191, 10-2A-260, 10-2A-261, 10-2A-281 and 10-2A-282, Code of Alabama, 1975, so as to create the Secretary of State Corporations Fund, to provide for fees relating to corporations, to provide that the Secretary of State be provided copies of certain corporations filings, and to provide an appropriation from the Secretary of State Corporation Fund for the fiscal year 1988-89.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and

ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 300. (With Substitute): To make an appropriation for the support and maintenance of the Cleveland Avenue YMCA for the fiscal year ending September 30, 1988, and to require an operations plan and audited financial statement prior to release of any funds.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 10. Relating to Morgan County; authorizing and empowering the Morgan County commission and the governing bodies of the incorporated municipalities in such county to regulate and control through the issuance of permits the location of rock quarry blasting operations within the county.

S. 13. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

S. 180. Relating to Baldwin County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

S. 181. Relating to Baldwin County; providing further for the compensation of poll workers.

S. 182. Relating to Baldwin County; repealing Act No. 88-381, H. 969, 1988 Regular Session (Acts 1988, p. 569) which increased court costs and provided for the disposition of the proceeds from the increase.

Rep. White (G), Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 24. Relating to Jefferson County; to prescribe for the compensation of the Chief Deputy Sheriff of Jefferson County and to provide for the payment thereof.

Rep. White (G), Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 177. (With Amendment): Relating to Jefferson County, providing for a subsistence allowance for certain law enforcement officers.

Rep. White (G), Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 180. Relating to Jefferson County; requiring the county commission to make certain office space provisions in the new Jefferson County Sheriff's Headquarters building located at Eighth Avenue and 22nd Street, North, in the City of Birmingham for certain personnel in the sheriff's department.

H. 190. Relating to Jefferson County; to continue the office of Assistant Sheriff, Bessemer Division; to prescribe the duties, responsibilities and term; to provide for the appointment, qualifications and compensation of said office; to repeal all conflicting statutes; to provide for severability of the provisions of this act and to prescribe the effective date of such act.

H. 191. To provide for the appointment of a Chief Deputy Tax Collector by the Elected Jefferson County Tax Collector and to provide for compensation, funding and qualifications of said Chief Deputy.

H. 192. To provide for the appointment of a Chief Deputy Tax Collector by the elected Jefferson County Assistant Tax Collector, Bessemer Division, and to provide for compensation, funding and qualifications of said Chief Deputy.

H. 195. To amend Act No. 453 of the 1967 Regular Session of the Legislature of Alabama, (1967 Acts of Alabama, page 1129), as amended by Act No. 393 of the 1975 Regular Session of the Legislature of Alabama, said acts providing a pension and relief fund for officers and employees of the library board of any city having a population of three hundred thousand or more according to the last and any subsequent federal census, said act applicable to the officers and employees of the Birmingham Public Library System, to provide for the participation of the employees of the library board who are currently entitled to participate in the unclassified pension relief plan of the City of Birmingham to participate in the Birmingham Library Board Employees Pension and Relief Fund and to provide for related matters.

H. 196. To amend section 11-52-32 of the Code of Alabama 1975 relating to planning, zoning and subdivisions, so as to provide further for the planning commissions of Class 1 municipalities to elect no less than three and no more than five of the members thereof to serve as a committee to approve or disapprove any plat presented to such commission.

H. 197. To amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended, which created a retirement system for officers and employees in cities of two hundred thousand or more inhabitants according to the latest federal decennial census, so as to provide further for the payments of benefits during periods of re-employment.

H. 228. To amend Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, approved September 18, 1973, as amended, to provide for the participation of the unclassified employees of the City of Birmingham in the retirement and relief system of the City of Birmingham and to provide for related matters.

H. 229. Relating to Jefferson County; to amend Article VI of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), relating to the extraordinary disability benefits of the City of Birmingham Retirement and Relief System, so as to provide that extraordinary disability benefits shall not be paid to any participant who joins the system on or after January 1, 1989, during any period that a disabled participant is able to perform other duties in his job classification or the customary duties of another job with that participant's employer, which duties or job has been offered to participant and which job pays a salary or wage equal to or greater than the salary or wage such participant was earning at the time of the incident causing the disability, and to provide that, for injuries occurring after January 1, 1989,

the Board of Managers may waive the one-year limitation and grant an application for extraordinary disability allowance if granted within thirty-six months after the incident resulting in such disability.

H. 297. To propose an amendment to the Constitution of Alabama of 1901, to empower the legislature from time to time by local act to authorize or require the Jefferson County Commission to prohibit the overgrowth of weeds and the storage and accumulation of certain junk, motor vehicles and litter and to provide for the implementation, administration and enforcement of said prohibition and the assessment of certain criminal penalties; and to also provide for the validation of certain acts.

The above bill was read a second time at length as required by the Constitution.

H. 301. Relating to counties having a population excess of 500,000 according to the most recent federal decennial census; to amend Section 1 of Act No. 81-752, H. 33, 1981 Regular Session, which relates to the compensation of certain election officials so as to increase their compensation.

H. 312. Relating to Jefferson County; to provide for a county supplemental salary for any full-time court referee or full-time standing master in an amount equal to fifty percent (50%) of the county supplemental salary payable to their respective appointing judges, to be paid from the general fund.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 101. (With Substitute) (With Amendments): To levy a fee of \$10.00 per ton on operators of commercial sites for the disposal of hazardous waste for each ton of hazardous waste received for disposal at such sites; to define certain terms; to provide for penalties and interest charge for non-compliance, departmental cost for collection, authority for rulemaking, and general record keeping requirements for commercial hazardous waste facility operators; and to provide that the operators of such sites shall pay all such fees levied to the State General Fund.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 132. (With Amendments): To levy a fee of \$13.00 per ton on operators of commercial sites for the disposal of hazardous waste or hazardous substances for each ton of hazardous waste or hazardous substance received for disposal at such sites; to define certain terms; to provide for penalties and interest charge for non-compliance, departmental cost for collection, authority for rulemaking, and general record keeping requirements for commercial hazardous waste or hazardous substance disposal facility operators; and to provide that the operators of such sites shall pay all such fees levied to the State General Fund.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following

bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 9. Relating to Lawrence County, providing for an advisory referendum election relating to the manner of electing the members of the county commission.

S. 66. Relating to Lamar County, amending Act No. 82-114, H. 522, 1982 Regular Session, which provided for the compensation of certain county officials, so as to increase the compensation of members of the board of registrars.

S. 67. Relating to Lamar County, amending Act No. 82-114, H. 522, 1982 Regular Session, which provided for the compensation of certain county officials, so as to increase the compensation of members of the board of registrars.

S. 160. Relating to Marengo County; to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain postal cost reimbursement plus a fee not to exceed \$1.00 pursuant to such system of renewal of motor vehicle licenses by mail; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of licenses by the probate judge's office; and to transfer certain duties now performed by the revenue commissioner to said probate office.

H. 259. Relating to Lee County; levying a lodging tax, providing for the collection and distribution of said tax, and establishing the "Auburn-Opelika Convention and Visitors Bureau."

H. 309. Relating to Perry County; authorizing the county commission to levy an additional ad valorem tax in said county to be used for general purposes and providing for a referendum.

H. 321. Authorizing the probate judge of Perry County to have a chief clerk and two additional clerks to assist the probate judge of Perry County in the performance of his duties and to provide for retroactive effect.

H. 322. Authorizing the county commission of Perry County to provide for a chief clerk and not more than two additional clerks to assist the county commission of Perry County in the performance of its duties.

H. 324. Relating to the City of Gadsden, in Etowah County, amending Section 14 of Act No. 671, H. 921 of the 1951 Regular Session (Acts 1951, Vol. II, p. 1158), as amended by Act No. 88-434, H. 59, 1988 Regular Session, which creates and establishes, within certain cities classified on a population basis, a civil service system to govern the appointment, tenure, compensation, conditions of employment and removal of certain officers and employees of such cities, so as to provide further for the meetings of the civil service board.

H. 326. Relating to Clay County, repealing Act No. 88-426, H. 938, enacted in the Regular Session of 1988, allowing the Clay County Health Department to set fees for service.

H. 330. Relating to Barbour County; providing further for the funding of the offices of the tax assessor and tax collector.

RESOLUTION

The following resolution was introduced:

By Rep. White (G):

H. J. R. 93. DESIGNATING OCTOBER 1988 AS "JUVENILE DIABETES RESEARCH MONTH" IN ALABAMA.

WHEREAS, diabetes affects the health of thousands of Alabamians, striking suddenly and devastatingly, and condemns its victims, many of whom are children, to a lifetime of insulin dependence and the prospect of long-term damage to major organs; and

WHEREAS, during the last decade, through laboratory research, our knowledge of diabetes has increased tremendously and we now have a better understanding of this disease and its frightening complications; there is still however, much to learn and, in addition, we still face the major challenge of transforming research advances into practical benefits for diabetes patients; and

WHEREAS, diabetes is a public health problem that affects both sexes, all ages and races, and, given the disability, the emotional toll, and the economic loss from diabetes, our priorities should continue to be research on this disease, how best to treat it, and how best to communicate this knowledge to those who need it most; and

WHEREAS, through the continued commitment and cooperation of private citizens and organizations, the scientific community, and federal, state and local governments, we can win the fight against diabetes; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That to increase public awareness of diabetes, and to emphasize the need for continued research to cure this disease, we hereby designate the month of October 1988 as "Juvenile Diabetes Research Month," and do further call on all government agencies and the people of the State of Alabama to observe this month with appropriate programs and activities.

On motion of Rep. White (G), the rules were suspended and the resolution, H. J. R. 93, was adopted.

LEAVE OF ABSENCE

At the request of Rep. Marietta, leave of absence was granted for Rep. Kvalheim.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Black:

H. R. 94. COMMENDING MRS. ADDIE WEATHERLY FOR OUTSTANDING ACHIEVEMENT AND COMMUNITY SERVICE.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 18. To amend Sections 40-23-2, 40-23-61, 40-23-101 and 40-23-102, Code of Alabama 1975, which levy sales and use taxes on automotive vehicles, truck trailers, semitrailers, and house trailers, so as to increase the levy from 1 1/2% to 2% and amends Sections 40-23-35 and 40-23-108 to distribute the additional funds generated to the state general fund.

TOMMY CARTER,
Chairman.

And the bill, H. 18 as engrossed, was ordered sent to the Senate.

RESOLUTIONS

The following resolution was introduced:

By Rep. Layson:

H. J. R. 95. AUTHORIZING THE CLERK OF THE HOUSE AND THE SECRETARY OF THE SENATE TO ISSUE CONGRATULATORY OR CONDOLENCE RESOLUTIONS WHEN THE LEGISLATURE IS NOT IN SESSION.

WHEREAS, the members of the Legislature have a year-round need to congratulate, commend, and offer condolences to their constituents; and

WHEREAS, currently there is no procedure for issuing such house or senate resolutions when the Legislature is not in session; and

WHEREAS, in order to better serve the members of the House and Senate, the Clerk of the House and the Secretary of the Senate need authorization to issue such resolutions when the Legislature is not in session; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby authorize the Clerk of the House of Representatives and the Secretary of the Senate to issue House and Senate and/or joint resolutions offering congratulations, commendations and condolences, upon the petition or request of any member, when the Legislature is not in session.

RESOLVED FURTHER, That the Clerk and the Secretary are further authorized to establish a procedure for issuing such resolutions and may formulate such forms and acquire such materials, personnel and equipment as are necessary to carry out the provisions of this resolution.

On motion of Rep. Layson, the rules were suspended and the resolution, H. J. R. 95, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Petelos and Beers:

H. R. 96. COMMENDING EAGLE SCOUT JOHN WILLIAM KELTON OF PLEASANT GROVE, ALABAMA.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Richardson (With Notice and Proof):

H. 335. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Scottsboro in Jackson County.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 335, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Flowers (With Notice and Proof):

H. 336. Relating to Pike County; repealing Act No. 81-747, H. 1120, 1981 Regular Session (Acts 1981, p. 1274), entitled "An Act Relating to Pike County; to provide further for the election of the members of the county board of education," so as to allow the qualified electors in the City of Troy to vote in such elections.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 336, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hogan:

H. 337. To authorize the board of directors of the Alabama Mining Museum to erect signs on the rights-of-way of public roads and highways giving directions to the location of the museum.

Committee on Highway Safety.

By Reps. Fuller and Laird (With Notice and Proof):

H. 338. Relating to Chambers County; abolishing the county offices of tax assessor and tax collector; providing for the establishment of a consolidated and unified system of assessment and collection of ad valorem taxes under the supervision of an elective county official designated as county revenue commissioner of said county; providing for the election and compensation of such revenue commissioner, and providing for a referendum upon the question of whether a majority of the qualified electors of Chambers County favor a revenue commissioner.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 338, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Rogers, Buskey (JL) and McClain:

H. 339. Proposing an amendment to Section 65 of the Constitution of 1901, which prohibits any lottery, so as to legalize only a lottery or lotteries or any scheme in the nature of a lottery or lotteries operated by the state and in certain counties authorized by a general statute; authorizing the legislature, at its discretion, to establish a pilot program for the legalized operation of a lottery or lotteries; and authorizing the legislature to regulate such operations.

Committee on Tourism, Entertainment and Sports.

The above bill was read a first time at length as required by the Constitution.

By Rep. Harvey:

H. 340. To amend Section 37-2-41 of the Code of Alabama 1975 relating to inspection and supervision fees for transportation companies, so as to provide funds for the regulation and enforcement of pay telephones in the state owned and/or operated by local exchange companies, interexchange companies, or customer-owned, coin-operated telephone providers.

Committee on Ways and Means.

By Rep. Harvey:

H. 341. To authorize and empower the State of Alabama to impose a ten percent surcharge on the gross intrastate revenues of each "Dial It" service provider operating in the State of Alabama.

Committee on Ways and Means.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Flowers:

H. R. 97. HONORING OUR COLLEAGUE, A. J. BLAKE OF PELL CITY, AND DESIGNATING HIM AS THE MOST DEPENDABLE MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES FOR 1988.

Also:

By Rep. Flowers:

H. R. 98. HONORING OUR COLLEAGUE, PERRY HOOPER, JR., OF MONTGOMERY, AND DESIGNATING HIM AS THE MOST CONSERVATIVE MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES FOR 1988.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Horn (With Notice and Proof):

S. 90. Relating to the composition of the board of directors of that certain public corporation, the Alabama State Fair Authority, created by Act No. 215, 1947 General Acts of Alabama; amending Section 4 of Act No. 215, S. 278, Regular Session 1947 (General Acts of Alabama of 1947, p. 81), as amended, which relates to the composition of the board of such authorities in certain cities having a certain population in Jefferson County, so as to increase the number and providing the manner of their selection.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 90, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senators Bennett, Cabaniss, and Parsons (With Notice and Proof):

S. 127. Relating to Jefferson County; to provide for the appointment of a Chief Deputy Tax Collector by the elected Jefferson County Assistant Tax Collector, Bessemer Division, and to provide for compensation, funding and qualifications of said Chief Deputy.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 127, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senators Bennett, Cabaniss, and Parsons (With Notice and Proof):

S. 128. To provide for the appointment of a chief deputy tax collector by the elected Jefferson County tax collector and to provide for compensation, funding and qualifications of said chief deputy.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 128, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Hilliard (With Notice and Proof):

S. 134. Relating to Jefferson County; requiring the county commission to make certain office space provisions in the new Jefferson County Sheriff's Headquarters building located at Eighth Avenue and 22nd Street, North, in the City of Birmingham for certain personnel in the sheriff's department.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 134, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Hilliard (With Notice and Proof):

S. 136. To further amend Act 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945, (general acts of the Legislature of Alabama, pp. 376-400), as heretofore amended, related to creating and establishing in counties having a population of 400,000 or more according to the last or any future federal census, a county-wide civil service system, to provide for the creation of the executive exempt service and related matters as described below and hereby adopted as if set out in full herein.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 136, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 90. Local Legislation No. 2.
- S. 127. Local Legislation No. 2.
- S. 128. Local Legislation No. 2.
- S. 134. Local Legislation No. 2.
- S. 136. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Hilliard (With Notice and Proof):

S. 137. To amend Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, approved September 18, 1973, as amended, to provide for the participation of the unclassified employees of the City of Birmingham in the retirement and relief system of the City of Birmingham and to provide for related matters.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 137, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Hilliard (With Notice and Proof):

S. 138. To amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended, which created a retirement system for officers and employees in cities of two hundred thousand or more inhabitants according to the latest federal decennial census, so as to provide further for the payments of benefits during periods of re-employment.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 138, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Hilliard (With Notice and Proof):

S. 139. To amend Act No. 453 of the 1967 Regular Session of the Legislature of Alabama, (1967 Acts of Alabama, page 1129), as amended by Act No. 393 of the 1975 Regular Session of the Legislature of Alabama, said acts providing a pension and relief fund for officers and employees of the library board of any city having a population of three hundred thousand or more according to the last and any subsequent federal census, said act applicable to the officers and employees of the Birmingham Public Library System, to provide for the participation of the employees of the library board who are currently entitled to participate in the unclassified pension relief plan of the City of Birmingham to participate in the Birmingham Library Board Employees Pension and Relief Fund and to provide for related matters.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 139, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Hilliard (With Notice and Proof):

S. 140. To amend section 11-52-32 of the Code of Alabama 1975 relating to planning, zoning and subdivisions, so as to provide further for the planning commissions of Class 1 municipalities to elect no less than three and no more than five of the members thereof to serve as a committee to approve or disapprove any plat presented to such commission.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 140, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 137. Local Legislation No. 2.

S. 138. Local Legislation No. 2.

S. 139. Local Legislation No. 2.

S. 140. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Horn:

S. 74. To make an appropriation for the support and maintenance of Marion Military Institute for the fiscal year ending September 30, 1989.

Also:

By Senator Horn:

S. 80. To make an appropriation for the support and maintenance of Talladega College for the fiscal year ending September 30, 1989.

Also:

By Senator Horn:

S. 85. To make an appropriation for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1989.

Also:

By Senator Horn:

S. 87. To make an appropriation for the support and maintenance of Walker County Junior College for the fiscal year ending September 30, 1989.

Also:

By Senator Horn:

S. 91. To make an appropriation for the support and maintenance of Sylacauga Nurses Training School for the fiscal year ending September 30, 1989.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 74. Ways and Means.
- S. 80. Ways and Means.
- S. 85. Ways and Means.
- S. 87. Ways and Means.
- S. 91. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Drinkard, Rice, Foshee, Hale, Denton, Horn, Goodwin, Dial, Bedsole, Hand, Bishop, deGraffenried, Cabaniss, Smith (J), Holmes, Amari, Bennett, Campbell, Menton, Langford, and Hilliard:

S. 35. To amend Section 5-13A-2, Code of Alabama 1975, relating to banks and banking, to add the State of Texas to the states within the definition of "region" covered by the Alabama Regional Reciprocal Banking Act of 1986; to provide for severability of the provisions of this Act; to provide for the amendment of conflicting laws to the extent of such conflict; and to provide an effective date.

Also:

By Senators Horn, Dixon, Drinkard, Dial, Hale, Bennett, Barron, Ellis, Cabaniss, Denton, Bedsole, and deGraffenried:

S. 60. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Shakespeare Festival for the fiscal year 1988-89 and to require an operations plan and audited financial statement prior to release of any funds; to require the condition of the donation of certain student tickets; to require the continuation of student discounts; and to require the reversion of funds appropriated upon certain violations of the provisions of this act.

Also:

By Senator Horn:

S. 73. To make an appropriation of \$2,000,000 from the Alabama Special Educational Trust Fund to the Southern Research Institute for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

By Senators Bennett, Rice, Amari, Parsons, Hilliard, and Cabaniss:

S. 93. To make a supplemental appropriation from the Alabama Special Education Trust Fund to the Children's Hospital of Alabama in Birmingham, Alabama, for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

By Senator Bedsole:

S. 185. To make an appropriation from the Alabama Special Educational Trust Fund in the amount of \$400,000 to the Children's and Women's

Hospital for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 35. Banking.
- S. 60. Ways and Means.
- S. 73. Ways and Means.
- S. 93. Ways and Means.
- S. 185. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senators Drinkard, Rice, Foshee, Denton, Goodwin, Campbell, Langford, Bedsole, Dixon, Dial, and Mitchem:

S. 34. To make an appropriation of \$30,000 from the State General Fund to the Coosa-Alabama River Improvement Association for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

By Senator Goodwin:

S. 94. To amend section 36-21-9 of the Code of Alabama 1975, which provides for a card authorizing an honorably retired law enforcement officer to carry a handgun so as to change the issuance of the card from an annual to a permanent basis.

Also:

By Senators Rice, Bedford, Mitchem, Campbell, Covington, Preuitt, Barron, Ellis, Cabaniss, Drinkard, Dixon, Bedsole, Foshee, Hale, Amari, deGraffenried, Bailey, Bennett, Horn, Manley, and Parsons:

S. 148. To authorize the State Department of Veterans' Affairs to provide for the operation of a state veterans' home or homes; to provide for the administration of such homes; to authorize the receipt and use of federal and other funds for such purpose; to provide for the powers and duties of the State Board of Veterans' Affairs regarding said veterans' home; to create a veterans' home trust fund; to provide certain admission and discharge policy, to require certain reports and budget requests, to specify reimbursement policy; and to provide that certain certification requirements are met.

Also:

By Senator Corbett:

S. 169. To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of Tuskegee Institute (Tuskegee University) for the state fiscal year ending September 30, 1989.

Also:

By Senator Goodwin:

S. 172. To amend Section 36-22-16 of the Code of Alabama 1975, so as to provide for the compensation of the sheriffs of the several counties in this state.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 34. Ways and Means.

S. 94. Judiciary.

S. 148. Insurance.

S. 169. Ways and Means.

S. 172. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and sends same herewith to the House:

By Senator Denton:

S. 2. To amend Sections 22-27-3 and 22-27-6, Code of Alabama 1975, which relate to the authority of local governing bodies as to methods of waste collections and disposal, and the time for local government compliance with the solid waste laws so as to provide further for the methods of waste collection and disposal facilities for solid wastes; to grant to the several county commissions and municipalities the power and authority by resolution or ordinance or after calling an advisory referendum to adopt rules and regulations requiring mandatory public participation in solid waste collection and disposal programs; providing that failure to comply with the provisions of the article by the owner of solid waste generating property shall constitute a public nuisance and providing for the assessment for the cost of such collection and disposal against such solid waste generating property; to provide for the collection of such assessments; to provide that the amounts of such assessments shall be a lien on the property against which they are assessed and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary county taxes; and to amend Section 22-27-7, Code of Alabama 1975, which relates

to penalties for violation of the provisions of the article so as to further provide for such penalties.

Also:

By Senators Barron, Bedford, Hale, Drinkard, Dial, Bennett, Horn, Hand, deGraffenried, Manley, Mitchem, Denton, Campbell, Holmes, Parsons, Rice, Foshee, Covington, Dixon, and Preuitt:

S. 24. To create and provide for the incorporation, organization and operation of the Alabama water system assistance authority; to prescribe the powers and functions of the said authority as a public corporation; to authorize the authority to make loans or grants to public water systems and to issue bonds; to establish a special "water supply assistance fund"; to provide for a legislative oversight committee to monitor such authority; to provide that the revenues accruing to the Alabama water system assistance authority from bonds issued by such authority shall be deposited in a certain fund to be operated by the state treasury; and to provide for state assistance to and cooperation with community water systems in financing projects that would focus on locating, developing and sustaining adequate potable water supplies for the citizens of this state.

Also:

By Senator Horn:

S. 71. To make an appropriation from the State General Fund and the Alabama Special Educational Trust Fund for the fiscal year 1988-89 for the use of a sickle cell education program.

Also:

By Senators Rice, Bedford, Mitchem, Campbell, Covington, Preuitt, Barron, Ellis, Cabaniss, Drinkard, Dixon, Bedsole, Foshee, Hale, Amari, deGraffenried, Bailey, Hilliard, Bennett, Horn, Manley, and Parsons:

S. 149. To provide for a voluntary check-off designation on state income tax returns for the 1988 tax year and each year thereafter for the Alabama Veterans' Home Program; to provide the form for such designation; to provide for the crediting to the Department of Veterans' Affairs of the total amount designated for nursing home and health care services for aged and disabled veterans in Alabama; and to provide for an effective date.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 2. Judiciary.

S. 24. State Administration.

S. 71. Ways and Means.

S. 149. Insurance.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Bedsole, Langford, Mitchem, Dixon, Drinkard, Cabaniss, Hilliard, Bennett, Dial, Amari, Goodwin, Smith (J), Figures, Menton, Bedford, Hand, Hale, Holmes, deGraffenried, Foshee, Campbell, Covington, Rice, Denton, Parsons, Ellis, Horn, Barron, and Bailey:

S. J. R. 12. COMMENDING FORMER STATE REPRESENTATIVE GARY COOPER OF MOBILE, ALABAMA.

WHEREAS, the Legislature of Alabama, in great personal pride, notes the bestowal of the Legion of Merit upon our friend and former colleague, Gary Cooper of Mobile; and

WHEREAS, Gary Cooper, a Marine Reservist, recently selected for major general; received the award for exceptional meritorious service and demonstrated leadership during his command of the 4th Force Service Support Group; and

WHEREAS, General Cooper, who is a Vietnam veteran and the first black officer ever to lead an infantry company into combat, was discharged from active duty in 1969, having earned a Bronze Star, two Purple Hearts and three Vietnam Crosses of Gallantry; and

WHEREAS, General Cooper, in new assignment as director of manpower and recruiting, Headquarters Marine Corps, Washington, D.C., will head the Corps' recruiting efforts for both regular and reserves forces; and

WHEREAS, Gary Cooper also has greatly achieved in civilian life as a marketing executive with a prominent Mobile-based engineering firm; as a member of the Alabama House of Representatives; and as Commissioner of the Alabama Department of Human Resources; and

WHEREAS, a graduate of Notre Dame University, General Cooper also is the recipient of such other distinctions as Man of the Year, M. O. Beale Scroll of Merit and the Secretary of the Navy Award for Public Service; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with our fellow Alabamians in expressing great pride in the accomplishments of Gary Cooper of Mobile, and do further direct that he receive a copy of this resolution.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Kennedy, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 12, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bailey:

S. J. R. 10. NAMING THE BRIDGE ON STATE HIGHWAY 27, SOUTHWEST OF ABBEVILLE, ALABAMA, THE "CURETON BRIDGE".

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Beasley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 10, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bailey:

S. J. R. 11. NAMING THE BRIDGE ON STATE HIGHWAY 27, SOUTHWEST OF ABBEVILLE, ALABAMA, THE "CURETON BRIDGE".

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Beasley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 11, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Mitchem and Barron:

S. J. R. 6. COMMENDING TRUMAN AND BOBBIE McCRELESS GLASSCO FOR OUTSTANDING ACHIEVEMENT AND COMMUNITY SERVICE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Rains, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 6, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Hand and Goodwin:

S. J. R. 13. COMMENDING THOMAS B. NORTON OF GULF SHORES, ALABAMA, FOR OUTSTANDING PROFESSIONAL SERVICE AND MUNICIPAL LEADERSHIP.

Also:

By Senator Dial:

S. J. R. 14. NAMING THE BASEBALL FIELD AT CLEBURNE COUNTY HIGH SCHOOL IN HEFLIN, ALABAMA, IN HONOR OF ROBERT LUTHER MORTON.

Also:

By Senators Dial, Bennett, Amari, Cabaniss, Hilliard, Horn, Parsons, and Bedford:

S. J. R. 15. NAMING "FORT S. RALPH TERHUNE," ALABAMA ARMY NATIONAL GUARD ARMORY IN BIRMINGHAM, ALABAMA.

Also:

By Senators Dial, Ellis, Bedford, Cabaniss, Dixon, Barron, Rice, Amari, and Hale:

S. J. R. 16. COMMENDING THE ALABAMA SYMPHONY ORCHESTRA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Penry, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 13, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Carothers, the resolution, S. J. R. 14, was temporarily carried over.

On motion of Rep. White (G), the resolution, S. J. R. 15, was temporarily carried over.

On motion of Rep. White (F), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 16, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators deGraffenried, Bedford, Amari, Bailey, Barron, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, Denton, Dial, Dixon,

5th Day

Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuit, Rice, Sanders, Smith (B), and Smith (J):

S. J. R. 5. COMMENDING JOAB THOMAS FOR DISTINGUISHED SERVICE TO THE UNIVERSITY OF ALABAMA.

WHEREAS, Dr. Joab Thomas, a native of Holt, Alabama, and a graduate of Harvard University with the bachelor's, master's and doctoral degrees, is a former faculty member and administrator at the University of Alabama for fifteen years; and

WHEREAS, in 1981, Dr. Thomas resigned his position as Chancellor of North Carolina State University to return to Tuscaloosa as the 26th president of the University of Alabama where he has provided forceful leadership resulting in an era of unparalleled change and growth for Alabama's first state university; and

WHEREAS, President Thomas' achievements, since that time, have embraced all aspects of the University and include such significant advancements as a threefold increase in external support for faculty research and the establishment of eleven endowed chairs that have brought internationally known artists and scholars to the University; and

WHEREAS, he also was instrumental in the initiation of a Presidential Scholars recruitment program, the success of which is reflected in last year's entering class of some 150 full scholarship recipients which had an average ACT of 30, a grade point average of 3.8 and included a record 63 new National Merit and Achievement Scholars, more than any other state institution, and a total that ranked UA 25th nationally among all institutions and 11th among all public institutions; and

WHEREAS, among other of his achievements are a continuing increase in enrollment, despite raised admission requirements, to this year's all-time high of 17,000; the implementation of a university-wide core curriculum; a new Honors Program for the academically talented; a \$95-million building program nearing completion; a successful \$62-million capital campaign; full 10-year accreditation granted by the Southern Association of Colleges and Schools in 1985; and international publicity accorded UA's success, through applied research, in preventing the closing of the local Rochester Products Plant; and

WHEREAS, in recognizing these and other accomplishments by President Thomas, we further note his chairmanship of the Board of Directors of the College Football Association, his service on the executive committee of the SEC, and his peer selection as of one of the 100 most effective college presidents in the nation; and

WHEREAS, it is therefore with regret that we view President Thomas' resignation as University president, but gratefully anticipate his return, following a year's sabbatical, as professor of biology, his chosen field of endeavor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished service to the University of Alabama, we hereby commend Dr. Joab Thomas, a native son in whom we are justly proud and to whom a copy of this resolution of highest regard and sincere appreciation shall be presented.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (RW), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 5, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator deGraffenried:

S. J. R. 3. RELATIVE TO THE PRINTING OF THE ACTS AND JOURNALS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the acts and journals of this Special Session and any other Special Session in 1988, be bound separately from the Regular Session of 1988.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Johnson (RW), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 3, set out in the above and foregoing Message from the Senate.

BILLS ON THIRD READING

The House then proceeded with the consideration of the bills on third reading.

H. 284 CARRIED OVER

On motion of Rep. Hettinger, the bill, H. 284, was temporarily carried over.

And the bill:

S. 11. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Decatur, in Morgan County.

Was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Bowling, Brooks, Bryant, Bugg, Dillard, Escott, Frazier, Fuller, Goodwin, Grayson, Hall, Hammett, Headley, Hettinger, Hogan, Johnson (RW), Junkins, Marks, McClain, Mikell, Moon, Parker, Reed, Venable, White (L) and Willis.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 12. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

Was read a third time at length and passed.

Yeas 35; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Bowling, Breedlove, Brooks, Bryant, Coburn, Crow, Curry, Dillard, Drake, Frazier, Freeman, Gaston, Goodwin, Grayson, Hall, Hammett, Headley, Hettinger, Hill, Hogan, Hooper, Knight, Layson, Marks, McClain, Moon, Newman, Parker, Reed, Venable, White (L) and Willis.

—35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 16. Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of a Franklin County Water Coordinating and Fire Prevention Authority by a general or a local act of the Legislature.

Was read a third time at length and passed.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Bowling, Breedlove, Brooks, Bryant, Bugg, Buskey (JL), Carothers, Carter, Coburn, Crow, Curry, Dillard, Drake, Escott, Faulk, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RW), Junkins, Kennedy, Knight, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton, Parker, Reed, Richardson, Seibels, Spratt, Starkey, Turnham, Venable, Walker, White (L), Willis and Zoghby.

—67

And the bill:

S. 17. Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of a Lamar County Water Coordinating and Fire Prevention Authority by a general or a local act of the Legislature.

Was read a third time at length and passed.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Brooks, Bryant, Bugg, Buskey (JL), Campbell, Carothers, Carter, Cosby, Crow, Curry, Dillard, Drake, Escott, Faulk, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harper, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RW), Junkins, Kennedy, Knight, Layson, Marks, Mathis, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Parker, Payne, Petelos, Reed, Richardson, Seibels, Spratt, Starkey, Venable, Walker, White (L), Willis and Zoghby.

—68

And the bill:

S. 18. Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of a Winston County Water Coordinating and Fire Prevention Authority by a general or a local act of the Legislature.

Was read a third time at length and passed.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Brooks, Bryant, Bugg, Butler, Campbell, Carothers, Coburn, Cosby, Crow, Curry, Dillard, Drake, Escott, Faulk, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RW), Junkins, Kennedy, Knight, Layson, Lindsey, Marks, Mathis, McClain, McDowell, McKee, Melton, Mikell, Moon, Parker, Payne, Reed, Richardson, Seibels, Spratt, Starkey, Venable, White (L), Williams and Willis.

—65

And the bill:

S. 19. Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of a Fayette County Water Coordinating and Fire Prevention Authority by a general or a local act of the Legislature.

Was read a third time at length and passed.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Blake, Blakeney, Bowling, Breedlove, Bryant, Campbell, Carothers, Carter, Coburn, Cosby, Crow, Curry, Dillard, Drake, Escott, Faulk, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harper, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RW), Junkins, Kennedy, Knight, Layson, Lindsey, Marks, Mathis, McClain, McDowell, McKee, Melton, Moon, Newman, Newton, Parker, Payne, Perdue, Petelos, Reed, Richardson, Seibels, Spratt, Starkey, Thomas, Venable, White (L), Williams and Willis.

—66

And the bill:

S. 25. Relating to Franklin County; to provide for additional expense allowances for members of the board of registrars and to provide for its retroactive effect.

Was read a third time at length and passed.

Yeas 48; Nays 0.

Yeas:

Reps. Adams, Biddle, Blake, Blakeney, Bowling, Breedlove, Bryant, Cosby, Crow, Curry, Dillard, Escott, Faulk, Frazier, Freeman, Gaston, Goodwin, Grayson, Hall, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Hooper, Junkins, Kennedy, Knight, Layson, Marks, Mathis, McClain, McDowell, Mikell, Moon, Newman, Newton, Parker, Payne, Perdue, Petelos, Reed, Spratt, Starkey, Thomas, Venable and Willis.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 31. Relating to Etowah County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; abolishing the offices of tax assessor and tax collector; repealing conflicting laws; and providing for a referendum thereon.

Was read a third time at length and passed.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Biddle, Black, Blakeney, Bowling, Breedlove, Brooks, Bryant, Carter, Cosby, Crow, Curry, Dillard, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Hooper, Junkins, Kennedy, Knight, Layson, Lindsey, Marks, McClain, McDowell, Mikell, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Reed, Spratt, Starkey, Thomas, Turner, Venable and Willis.

—54

And the bill:

S. 33. Providing for the filling of vacancies, for whatever nature, in the public offices in Etowah County; prescribing the election procedure for certain vacancies for more than one year remaining; prescribing the manner of operating any vacant office for an unexpired term of less than a year; and repealing conflicting laws.

Was read a third time at length and passed.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Biddle, Blakeney, Bowling, Breedlove, Brooks, Bryant, Buskey (JL), Carothers, Carter, Cosby, Crow, Curry, Dillard, Escott, Ford,

Freeman, Gaston, Goodwin, Grayson, Hall, Hammett, Harvey, Headley, Hettinger, Higginbotham, Hill, Junkins, Kennedy, Knight, Layson, Lindsey, Marks, Mathis, McClain, McDowell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Reed, Spratt, Starkey, Thomas, Venable and Willis.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 302. Relating to Etowah County, providing further for the expense allowance of the constable and providing for a retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Biddle, Blakeney, Bowling, Breedlove, Brooks, Bryant, Bugg, Buskey (JL), Carothers, Cosby, Crow, Curry, Dillard, Escott, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Junkins, Kennedy, Knight, Layson, Marks, Mathis, McClain, McDowell, Moon, Newman, Newton, Parker, Payne, Penry, Reed, Spratt, Starkey, Thomas, Turnham, Venable, White (G), White (L) and Willis.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 306. Relating to Macon County; to provide that beer or ale may be sold in containers not exceeding 24 ounces in size.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Black, Bowling, Breedlove, Brooks, Bryant, Buskey (JL), Cosby, Crow, Curry, Dillard, Escott, Faulk, Freeman, Grayson, Hall, Harper, Harvey, Headley, Hettinger, Higginbotham, Hill, Knight, Layson, Marks, Moon, Newman, Newton, Parker, Payne, Penry, Reed, Spratt, Starkey, Thomas, Venable, White (G), White (L) and Willis.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 307. Relating to Randolph County, repealing Act No. 88-328, H. 857, enacted in the Regular Session of 1988, allowing the Randolph County Health Department to set fees for service.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Biddle, Black, Blake, Bowling, Breedlove, Brooks, Bryant, Curry, Dillard, Escott, Gaston, Goodwin, Grayson, Grouby, Hall, Harvey, Headley, Higginbotham, Hill, Knight, Laird, Layson, Marks, Newman, Newton, Parker, Payne, Penry, Reed, Spratt, Starkey, Thomas, White (G), White (L) and Williams.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 34. To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Was taken up.

SUBSTITUTE OFFERED

Rep. Harper offered the following substitute to the bill, H. 34:

BILL
TO BE ENTITLED
AN ACT

To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1989, the sum of one million five hundred seventy-one thousand seven hundred sixty-nine dollars (\$1,571,769), out of the funds in the Alabama

Special Educational Trust Fund to be used for the support and maintenance of the Special Schools for Special Education and to be distributed by the State Board of Education as follows:

(a) Butler County Training School for the Mentally Retarded in Greenville	22,500
(b) Hope Haven School in Colbert County	35,000
(c) Montgomery Institute for Neurological Development	25,000
(d) Birmingham Training Center for Brain-Injured Children	31,500
(e) Houston County Board of Education for the Vaughn-Blumberg Center for the Developmentally Disabled	45,000
(f) Alice Pigman School	75,000
(g) Geneva County Day Care and Training Center	45,000
(h) McGraw Activity Center	45,000
(i) Dallas County Day Care and Training Center	45,000
(j) Calhoun County Community - "EDUCATION PAR EXCELLENCE"	75,000
(k) North Talladega County Association for Retarded Citizens, Inc.	22,500
(l) South Talladega County Association for Retarded Citizens, Inc.	22,500
(m) ECHO FOUNDATION	13,500
(n) Vivian B. Adams School	247,500
(o) McInnis School of Montgomery	360,000
(p) Alan Cott School	90,000
(q) Alabama Institute for Deaf and Blind	371,769

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1988-89, an operations plan for fiscal year 1987-88 and an audited financial statement for all operations during fiscal year 1986-87 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1988-89 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1988.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 67; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blakeney, Bowling, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Carothers, Carter, Coburn, Crow,

Curry, Dillard, Drake, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Hettinger, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Marks, Mathis, McClain, McDowell, McKee, Moon, Newman, Newton, Parker, Payne, Perdue, Reed, Richardson, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (G), White (L), Willis and Zoghby.

—67

Nay: Rep. Laird.

—1

And the bill, H. 34 as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blakeney, Bowling, Breedlove, Brooks, Bryant, Bugg, Burke, Butler, Carothers, Carter, Coburn, Crow, Curry, Dillard, Drake, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Hettinger, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Laird, Marietta, Marks, Mathis, McClain, McDowell, McKee, Moon, Newman, Newton, Parker, Payne, Perdue, Petelos, Poole, Reed, Richardson, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—75

S. J. R. 15 AGAIN TAKEN UP

The resolution, S. J. R. 15, which previously was temporarily carried over, was again taken up.

On motion of Rep. White (G), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 15, the title of which is set out in the Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Reps. Penry and McMillan:

H. J. R. 99. NAMING THE NEW BRIDGE ON HIGHWAY 98, OVER MAGNOLIA RIVER, IN BALDWIN COUNTY, ALABAMA, IN HONOR OF THE LATE ROY SPIVEY OF FOLEY, ALABAMA.

WHEREAS, the late Roy Spivey of Foley, Alabama, who died July 4, 1988, had resided in South Baldwin County since 1953, and was the owner of Pine Rest Memorial Park in Foley and Baldwin Memorial Cemetery in Robertsdale, and was active also in real estate development and sales; and

WHEREAS, a native of Troy in Pike County, Alabama, born July 4, 1903, Mr. Spivey was a graduate of Crenshaw County High School and the University of Alabama, and he was a longtime resident of Tuscaloosa where he was active in sales and manufacturing and in community service, having served as a national officer of the Exchange Clubs of America and through involvement in United Way, the Tuscaloosa Exchange Club and other area affairs; and

WHEREAS, upon moving to South Baldwin County, Mr. Spivey purchased Pine Rest Memorial Park, a sadly neglected rural burial ground that, under his direction and care, was renovated and transformed into a beautiful and dignified place of burial that is an asset to the Baldwin County community; and

WHEREAS, Mr. Spivey, who held every office in the Association of Alabama Cemeteries, also served the community through activities with the Boy Scouts, Cub Scouts, the First Baptist Church of Foley, the Foley Rotary Club, and United Way, among others; and

WHEREAS, he further was recognized as an honorary member of the board of directors of United Way and was the recipient of Rotary's Paul Harris Fellowship award and the Free Enterprise Person of the Year award by the Chamber of Commerce; and

WHEREAS, Roy Spivey was indeed a distinguished citizen and outstanding community leader in the South Baldwin County area and, in gratitude for his many deeds of service, it is entirely fitting and proper that his memory be forever perpetuated in an appropriate and lasting manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor and memory of Roy Spivey of Foley, Alabama, we hereby name and designate the new bridge on Highway 98, at County Road 55, which spans the headwaters of the Magnolia River and which is located at the west entrance of Pine Rest Memorial Park, as the "Roy Spivey Bridge."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers, so designating the "Roy Spivey Bridge."

RESOLVED FURTHER, That the family of the late Roy Spivey shall be provided with a copy of this commemorative designation of the Alabama Legislature.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 99, was adopted.

S. J. R. 14 AGAIN TAKEN UP

The resolution, S. J. R. 14, which previously was temporarily postponed, was again taken up.

On motion of Rep. Laird, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 14, the title of which is set out in the Message from the Senate.

BILLS ON THIRD READING RESUMED

H. 187 CARRIED OVER

On motion of Rep. Carothers, the bill, H. 187, was temporarily carried over.

H. 46 CARRIED OVER

On motion of Rep. Harper, the bill, H. 46, was temporarily carried over.

And the bill:

H. 47. (With Substitute): To amend Sections 27-4-4 and 27-4-5, Code of Alabama 1975, so as to delete the provisions allowing insurance companies to deduct examination expenses from premium taxes and to increase domestic premium tax rates and to provide that the increased revenue will be deposited in the State General Fund.

Was taken up.

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Harper offered the following substitute to the substitute reported by the Standing Committee on Ways and Means:

A BILL
TO BE ENTITLED
AN ACT

To amend sections 27-4-4 and 27-4-5, Code of Alabama 1975, so as to delete provisions allowing insurance companies to deduct examination expenses from premium taxes.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 27-4-4, Code of Alabama 1975, is hereby amended to read as follows:

“(a) Every foreign insurer, except foreign life insurers, shall pay to the commissioner premium tax amounting to four percent of the premiums received by such foreign insurer for business done in the state except as to wet marine and transportation insurance as defined in section 27-5-8, whether the same are actually received by said insurer in this state or elsewhere. Every foreign life insurer shall pay to the commissioner premium tax of three percent of any other premiums received by such foreign life insurer for business done in this state, whether the same are actually received by said insurer in this state or elsewhere. The rate of tax on premiums shall be subject to reduction as provided in this section. Beginning January 1, 1987, each foreign insurer shall pay its premium taxes on October 15, 1987, on an estimated basis of 50% of premiums received by such insurer in 1986 for business done in this state or, at the option of the insurer, based on its actual business done in this state from January 1 through June 30, 1987. On March 1, 1988, each foreign insurer shall remit with its premium tax return, the remainder of the premium taxes due on its actual business done in this state during the preceding calendar year, 1987. Beginning January 1, 1988, and all years thereafter, each foreign insurer shall pay its premium taxes on a quarterly basis as follows: the May 15 payment shall be estimated on 25% of its actual business done in the state during the preceding calendar year, or at the option of such insurer, based on its actual business done in this state from January 1 through March 31 of the same calendar year; the August 15 payment shall be estimated on 25% of its business done in this state during the preceding calendar year or, at the option of such insurer, based on its actual business done in this state from April 1 through June 30 of the same calendar year; the November 15 payment shall be estimated on 25% of its business done in this state during the preceding calendar year or, at the option of such insurer, based on its actual business done in this state from July 1 through September 30 of the same calendar year and the March 1 payment shall be in the amount of the remainder of the premium

taxes due on its actual business done in this state during the preceding calendar year. Each authorized insurer shall file with the commissioner a statement, in form as furnished or approved by him, setting forth the total amount of premiums and annuity considerations received by it for business done in this state during the period covered by the tax payment, except as to wet marine and transportation insurance as defined in section 27-5-8. The statement shall be verified by the affidavit of an officer of the insurer having knowledge of the facts. It is the intent and meaning of this section that any taxes paid based on an estimated basis for the preceding calendar year shall be reconciled to actual premiums collected in this state for a calendar year on the March 1 payment date of the succeeding year. Further, that the premium taxes on premiums collected during the first and second six-month periods of calendar year 1987, shall be paid in the manner specifically provided in this section.

The premium taxes collected in this section shall be deposited in the state treasury and credited in accordance with the following tabulation:

(1) To the credit of the state general fund, from which the legislature may appropriate funds for old age assistance purposes:

- a. One hundred percent of premium tax on foreign life insurers;
- b. Sixty-two and one-half percent of premium tax on all foreign property insurers; and
- c. Seventy-five percent of premium tax on all other foreign insurers; and

(2) To the credit of the Alabama special education trust fund:

- a: thirty-seven and one-half percent of premium tax on foreign property insurers; and
- b: twenty-five percent of premium tax on all other foreign insurers.

(b) If the annual statement or other report required to be made by such foreign insurer to the Alabama Department of Insurance, whose premiums are taxed under this chapter, for the preceding calendar year shows such insurer to have invested at the close of said year in Alabama investments, as defined in this section, the requisite percentages of its total admitted assets, the rate of premium tax hereby levied on premiums shall be that shown in the following schedules:

Percentage of Insurer's Admitted Assets In- vested in Alabama Investments	Applicable Rate of Premium Tax for Foreign Life Insurers	Applicable Rate of Premium Tax for All Other Foreign Insurers
Less than 1%	3.0%	4.0%
1% and above but less than 2%	2.9%	3.9%
2% and above but less than 3%	2.8%	3.8%
3% and above but less than 4%	2.7%	3.7%
4% and above but less than 5%	2.6%	3.6%
5% and above but less than 6%	2.5%	3.5%
6% and above but less than 7%	2.4%	3.4%

7% and above but less than 8%	2.3%	3.3%
8% and above but less than 9%	2.2%	3.2%
9% and above but less than 10%	2.1%	3.1%
10% and above	2.0%	3.0%

(c) Alabama investments, as used in this section, shall mean any of the following investments:

(1) Real estate in this state;

(2) Bonds or interest-bearing warrants or other evidences of indebtedness of the state of Alabama or of any county, city, town, school district, state educational institution, municipality or other subdivisions of the state, or of any duly authorized agency, board or authority of the state of Alabama or of any political subdivision thereof whether such agency, board or authority now exists or is hereafter created;

(3) Stocks, bonds or other evidences of indebtedness of any housing or redevelopment authority organized under the Housing Authorities Law or Redevelopment Law of the state of Alabama, as from time to time established and amended:

(4) Notes or bonds secured by mortgages or other liens on real estate or on leasehold interests in real estate in the state of Alabama;

(5) Stocks, bonds, debentures, notes or other evidences of indebtedness of any corporation organized under the laws of the state of Alabama;

(6) Notes, debentures or other evidences of any indebtedness of any business operated as a sole proprietorship, partnership or other legal entity having its principal office and place of business in the state of Alabama;

(7) Notes, bonds or other evidences of indebtedness secured by mortgage or other lien upon real estate situated in the state of Alabama and insured or guaranteed in whole or in part, by the United States or any agency or instrumentality thereof, together with any bonds, debentures or other evidences of indebtedness of the United States or any agency or instrumentality thereof receive and retained in whole or partial settlement of any such insurance or guaranty;

(8) Collateral loans to Alabama residents or to others where at least half of the value of the collateral so pledged constitutes an Alabama investment as defined in this section;

(9) Cash deposits in regularly established national or state banks in this state on the basis of the average monthly deposits throughout the calendar year;

(10) Loans secured by policies on the lives of residents of the state of Alabama;

(11) Share or share accounts of building and loan association organized under the laws of the state of Alabama or in the share or share accounts of federal savings and loan associations having their principal office in the state of Alabama;

(12) Stocks, bonds, notes, debentures or other evidences of indebtedness of any corporation organized under the laws of any other state of the United

States, to the extent that the assets of such corporation located in the state of Alabama bear to the total assets of the corporation issuing such stocks, bonds, notes or other evidences of indebtedness;

(13) Stocks, bonds, notes or other evidences of indebtedness issued by railroad companies, public carriers or transportation companies, to the extent that its trackage or mileage in Alabama bears to the total trackage or mileage of such railroad, public carrier or other transportation company;

(14) That percentage of such insurer's investments in stocks, bonds, notes or other evidences of indebtedness of any telegraph, telephone, electric power company or other public utility to the extent that the revenue of any such company from Alabama bears to the total of such telegraph, telephone, electric power company or other public utility; and

(15) That percentage of the insurer's investments held as of December 31, in direct obligations of the United States of America as the total premiums received by the company for direct insurance of subjects located, resident or to be performed in Alabama relate to the total premiums received by the insurer.

(d) Any such tax so determined shall be subject to credit and deduction of the full amount, with 25% of the full amount paid, or estimated to be paid, being credited or deducted on each quarterly payment date, for:

(1) All ad valorem taxes paid by the insurer for the tax year next preceding the filing of the return required by this section upon any real estate and the improvements thereon in the state of Alabama owned and at least 50 percent occupied by the insurer for the full period of such tax year;

(2) All license fees and taxes paid to any county in this state during the year preceding the filing of the return required by this section for the privilege of engaging in the business of insurance within said county;

(3) All franchise taxes paid by the insurer under the provisions of sections 40-14-40 or 40-14-41 for the tax year preceding the filing of the return required by this section; and

~~(4) All expense of examination of the insurer by the commissioner.~~

~~(5)~~ (4) All credits for assessments paid as provided under the provisions of Sections 27-42-16 and 27-44-13 of the Code of Alabama 1975.

~~(6)~~ (5) It is the intent of this section that any estimated allowable deduction be reconciled to actual expenditures made during the calendar year next preceding the filing of the tax return and necessary adjustments reflected in the tax payment due March 1. Credit taken against taxes due for the six-month period ending June 30, 1987, and payable on October 15, 1987, will be in the amount of one-half of deductible expenses paid or estimated to be paid, and the remainder of any such expenses paid during calendar year 1987 will be reflected in the premium tax return due March 1, 1988."

Section 2. Section 27-4-5, Code of Alabama 1975, is hereby amended to read as follows:

"(a) Every domestic life insurer shall pay to the commissioner a premium tax equal to one percent of the premiums and annuity considerations received by such insurer for business done in this state during the preceding period,

whether the same are actually received by said insurer in this state or elsewhere. Every other domestic insurer and every nonprofit corporation organized pursuant to the provisions of section 10-4-100 et seq. shall pay to the commissioner a premium tax equal to one percent of the premiums received by such insurer for business done in this state during the preceding period, whether the same are actually received by said company in this state or elsewhere. Beginning January 1, 1987, each domestic insurer shall pay its premium taxes on October 15, 1987, on an estimated basis of 50% of premiums received by such insurer in 1986 for business done in this state or, at the option of such insurer, based on its actual business done in this state from January 1 through June 30, 1987. On March 1, 1988, each domestic insurer shall remit with its premium tax return, the remainder of the premium taxes due on actual business done in this state during the preceding calendar year, 1987. Beginning January 1, 1988, and all years thereafter, each domestic insurer shall pay its premium taxes on a quarterly basis as follows: the May 15 payment shall be estimated on 25% of its business done in this state during the preceding calendar year or, at the option of such insurer, based on its actual business done in this state from January 1 through March 31 of the same calendar year; the August 15 payment shall be estimated on 25% of its business done in this state during the preceding calendar year or, at the option of such insurer, based on its actual business done in this state from April 1 through June 30 of the same calendar year; the November 15 payment shall be estimated on 25% of its business done in this state during the preceding calendar year or, at the option of such insurer, based on its actual business done in this state from July 1 through September 30 of the same calendar year and the March 1 payment shall be in the amount of the remainder of the actual premium taxes due on its business done in this state during the preceding calendar year. Every authorized insurer shall file with the commissioner a statement, in form as furnished or approved by him, setting forth the total amount of premiums and annuity considerations received by it for business done in this state during the period covered by the tax payment, except as to wet marine and transportation insurance as defined in section 27-5-8. The statement shall be verified by the affidavit of an officer of the insurer having knowledge of the facts. It is the intent and meaning of this section that any taxes paid based on an estimated basis for the preceding calendar year shall be reconciled to actual premiums collected in this state for a calendar year on the March 1 payment date of the succeeding calendar year. Further, that the premium taxes on premiums collected during the first and second six-month periods of calendar year 1987, shall be paid in the manner specifically provided in this section.

(b) Any such tax so determined shall be subject to credit and deduction of the full amount, with 25% of the full amount paid, or estimated to be paid, being credited or deducted on each quarterly payment date, for:

(1) All ad valorem taxes paid by the insurer for the tax year preceding the filing of the return required by this section upon any building and real estate in the state of Alabama owned and occupied, in whole or in part, by the insurer for the full period of such tax year as its principal office in the state of Alabama;

(2) All ad valorem taxes paid by the insurer for the tax year preceding the filing of the return required by this section upon all other real estate and improvements thereon in this state owned and at least 50 percent occupied by the insurer for the full period of such tax year;

(3) All license fees and taxes paid to any county in this state during the year preceding the filing of the return required by this section for the privilege of engaging in the business of insurance within said county;

~~(4) All expense of examination of the insurer by the commissioner.~~

~~(5)~~ (4) All license or privilege taxes on lists of securities paid by the insurer under the provisions of section 40-24-8 during the tax year preceding the filing of the return required by this section; and

~~(6)~~ (5) All franchise taxes paid by the insurer under the provisions of section 40-14-40 for the tax year preceding the filing of the return required by this section.

~~(7)~~ (6) It is the intent of this section that any estimated allowable deduction be reconciled to actual expenditures made during the calendar year next preceding the filing of the tax return and necessary adjustments reflected in the tax payment due March 1. Credit taken against taxes due for the six-month period ending June 30, 1987, and payable on October 15, 1987, will be in the amount of one-half of deductible expenses paid or estimated to be paid, and the remainder of any such expenses paid during calendar year 1987 will be reflected in the premium tax return due March 1, 1988.

(c) the premium taxes collected under this section shall be deposited in the state treasury and credited as follows:

(1) To the credit of the state general fund:

a. Fifty percent of premium tax on domestic life insurers;

b. No part of premium tax on nonprofit corporations organized pursuant to the provisions of section 10-4-100 et seq.; and

c. Twenty-five percent of premium tax on all other domestic insurers; and

(2) To the credit of the Alabama special educational trust fund:

a. Fifty percent of premium tax on domestic life insurers;

b. One hundred percent of premium tax on non-profit corporations organized pursuant to the provisions of section 10-4-100 et seq.; and

c. Seventy-five percent of premium tax on all other domestic insurers.

(d) Every domestic insurer, anything in this chapter to the contrary notwithstanding, shall be exempt from and not required to pay any premium tax for or on account of any premiums or annuity considerations for hospital, medical, surgical or other health care benefits supplementary to Medicare and Medicaid received by it for or on account of business done in this state, whether the same are actually received in this state elsewhere."

Section 3. If any provisions, paragraph or part of this Act shall be declared invalid, unconstitutional, or void the balance of said Act shall remain in full force and effect.

Section 4. All laws and parts of laws, in conflict with this Act, are hereby expressly repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

MOTION TO TABLE LOST

The motion offered by Rep. Flowers to table the substitute offered by Rep. Harper to the bill, H. 47, and to the pending substitute, was tabled.

Yeas 25; Nays 31.

Yeas:

Reps. Adams, Brooks, Bryant, Curry, Flowers, Gaston, Grouby, Hammett, Hill, Holley, Hooper, Junkins, Knight, Laird, Marks, Moon, Newman, Payne, Petelos, Rains, Richardson, Turner, Venable, White (L) and Wright.

—25

Nays:

Mr. Speaker, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Carter, Cosby, Freeman, Fuller, Grayson, Harper, Haynes, Hettinger, Higginbotham, Hogan, Johnson (RG), Johnson (RW), Kennedy, Marietta, McDowell, Mikell, Newton, Penry, Perdue, Spratt, Starkey, Turnham, White (G) and Zoghby.

—31

SUBSTITUTE TO SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Harper to the bill, H. 47, and to the pending substitute, and the substitute was adopted.

Yeas 71; Nays 15.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Bowling, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Coburn, Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hamilton, Hammett, Harper, Haynes, Hettinger, Higginbotham, Hogan, Johnson (RG), Johnson (RW), Knight, Laird, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Newman, Newton, Payne, Perdue, Petelos, Poole, Rains, Reed, Rogers, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), Willis and Zoghby.

—71

Nays:

Reps. Box, Flowers, Ford, Frazier, Hall, Harvey, Hill, Holley, Junkins, Layson, Moon, Parker, White (L), Williams and Wright.

—15

And the bill:

H. 47. To amend sections 27-4-4 and 27-4-5, Code of Alabama 1975, so as to delete provisions allowing insurance companies to deduct examination expenses from premium taxes.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 49; Nays 35.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Breedlove, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Faulk, Fuller, Goodwin, Grayson, Hamilton, Hammett, Harper, Higginbotham, Hogan, Kennedy, Knight, Logan, Marks, McClain, McDowell, McMillan, Mikell, Newman, Newton, Penry, Perdue, Petelos, Rains, Reed, Spratt, Starkey, Thomas, Turner, Venable, White (G) and Zoghby.

—49

Nays:

Reps. Beers, Box, Brooks, Bryant, Flowers, Ford, Frazier, Freeman, Gaston, Hall, Harvey, Haynes, Hettinger, Hill, Holley, Johnson (RG), Johnson (RW), Junkins, Laird, Layson, Marietta, Mathis, McKee, Moon, Parker, Payne, Poole, Richardson, Walker, Warren, White (F), White (L), Williams, Willis and Wright.

—35

H. 101 AND H. 132 RE-REFERRED

The Speaker re-referred the bills, H. 101 and H. 132, from the Standing Committee on Judiciary to the Standing Committee on Ways and Means.

H. 27 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 27, was temporarily carried over.

H. 253 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 253, was temporarily carried over.

H. 257 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 257, was temporarily carried over.

H. 256 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 256, was temporarily carried over.

H. 255 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 255, was temporarily carried over.

H. 254 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 254, was temporarily carried over.

H. 252 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 252, was temporarily carried over.

H. 250 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 250, was temporarily carried over.

H. 248 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 248, was temporarily carried over.

H. 247 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 247, was temporarily carried over.

H. 246 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 246, was temporarily carried over.

H. 245 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 245, was temporarily carried over.

H. 244 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 244, was temporarily carried over.

And the bill:

H. 45. To make a supplemental appropriation to the Alabama Real Estate Commission from the Real Estate Commission Fund for capital outlay for the fiscal year ending September 30, 1988.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JL), Butler, Campbell, Carothers, Carter, Crow, Curry, Davis, Dillard, Escott, Ford, Freeman, Fuller, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Mikell, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Spratt, Starkey, Turner, Venable, White (F), White (G), Williams and Zoghby.

—73

Nay: Rep. Moon.

—1

H. 97 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 97, was temporarily carried over.

H. 249 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 249, was temporarily carried over.

H. 41 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 41, was temporarily carried over.

And the bill:

H. 43. This bill provides for a supplemental appropriation of \$80,000 from the state general fund to the State Treasurer's Office for the fiscal year ending September 30, 1988.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JL), Butler, Campbell, Carothers, Carter, Coburn, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Laird, Layson, Logan, Marietta, Mathis, McClain, McDowell, McMillan, Mikell, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Spratt, Starkey, Thomas, Turner, Venable, White (F), White (G), White (L), Willis and Zoghby.

—80

H. 31 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 31, was temporarily carried over.

H. 251 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 251, was temporarily carried over.

H. 95 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 95, was temporarily carried over.

And the bill:

H. 284. To authorize the City of Huntsville to acquire and operate passenger excursion trains upon the tracks of any public or private railroad within Madison County based upon agreements for such operation between the city and any such public or private railroad corporation or other entity.

Was taken up.

AMENDMENT OFFERED

Rep. Brooks offered the following amendment to the bill, H. 284:

Amend H. B. 284, Section 1, Page 1, line 30 by adding after the word "city." the following:

Provided, however, that in no event may the horn or whistle volume or decibel level of any passenger excursion train exceed the volume or decibel

level of any other train or locomotive that uses the same railroad track or line as that used by the passenger excursion train.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 44; Nays 1.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Butler, Carter, Curry, Dillard, Ford, Freeman, Gaston, Grouby, Hamilton, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Johnson (RW), Knight, Layson, Logan, Marietta, Marks, Newman, Parker, Payne, Petelos, Reed, Richardson, Thomas, Turner, Turnham, White (G) and Zoghby.

—44

Nay: Rep. Hall.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 284 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Butler, Carter, Crow, Curry, Dillard, Drake, Escott, Ford, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Marietta, Marks, Newman, Newton, Parker, Payne, Perdue, Petelos, Poole, Rains, Reed, Spratt, Starkey, Thomas, Turner, Turnham, Venable, White (F), White (G) and Zoghby.

—56

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 21. COMMENDING JOHN CLINTON HARRIS OF SCOTTSBORO, ALABAMA, FOR DISTINGUISHED SERVICE TO CIVILITAN INTERNATIONAL.

Also:

H. J. R. 22. MOURNING THE DEATH OF OAKLEY SHARP OF JACKSON COUNTY, ALABAMA.

Also:

H. J. R. 23. CONGRATULATING MRS. MYRTLE WORTHEN ON THE OCCASION OF HER 101ST BIRTHDAY.

Also:

H. J. R. 54. COMMENDING GOLF CHAMPION REX KEELING OF GADSDEN, ALABAMA.

Also:

H. J. R. 61. COMMENDING GENE STARNES OF GUNTERS-
VILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 69. COMMENDING MR. AND MRS. OLIVER FENISON
ON THEIR 70TH WEDDING ANNIVERSARY.

McDOWELL LEE,
Secretary.

BILLS ON THIRD READING RESUMED

MOTION TO CARRY OVER TABLED

On motion of Rep. Cosby, the motion offered by Rep. Davis to carry over the bill, H. 100, to the sixth legislative day, was tabled.

Yeas 33; Nays 19.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Breedlove, Burke, Buskey (JL), Carter, Cosby, Curry, Davis, Dillard, Drake, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Johnson (RG), Knight, Marks, Mathis, McDowell, McMillan, Mikell, Petelos, Rogers, Venable, White (G) and White (L).

—33

Nays:

Reps. Black, Brooks, Bryant, Bugg, Clark (W), Coburn, Escott, Ford, Grayson, Hettinger, Junkins, Kennedy, Marietta, Parker, Payne, Poole, Rains, Reed and Spratt.

—19

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 100 CARRIED OVER

On motion of Rep. Harvey, the bill, H. 100, was temporarily carried over.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 21. COMMENDING JOHN CLINTON HARRIS OF SCOTTSBORO, ALABAMA, FOR DISTINGUISHED SERVICE TO CIV-ITAN INTERNATIONAL.

Also:

H. J. R. 22. MOURNING THE DEATH OF OAKLEY SHARP OF JACKSON COUNTY, ALABAMA.

Also:

H. J. R. 23. CONGRATULATING MRS. MYRTLE WORTHEN ON THE OCCASION OF HER 101ST BIRTHDAY.

Also:

H. J. R. 54. COMMENDING GOLF CHAMPION REX KEELING OF GADSDEN, ALABAMA.

Also:

H. J. R. 61. COMMENDING GENE STARNES OF GUNTERS-VILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 69. COMMENDING MR. AND MRS. OLIVER FENISON ON THEIR 70TH WEDDING ANNIVERSARY.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Knight, the rules were suspended in order to take up out of order the bill, H. 116.

And the bill:

H. 116. To authorize advance payments for the expenses of members and employees of local boards of education and to prescribe the methods for such advance expenditures.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 1.

Yeas:

Reps. Beasley, Beers, Biddle, Blake, Blakeney, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Crow, Davis, Dillard, Escott, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Harper, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Junkins, Kennedy, Knight, Laird, Logan, Marietta, Mathis, McDowell, McKee, McMillan, Mikell, Newman, Newton, Parker, Payne, Penry, Perdue, Poole, Rogers, Spratt, Starkey, Walker, White (G), White (L), Willis and Zoghby.

—60

Nay: Rep. Richardson.

—1

And the bill:

H. 57. To amend Section 36-13-12 of the Code of Alabama 1975, providing pension for widows of governors, so as to provide further for such pension.

Was taken up.

SUBSTITUTE OFFERED

Rep. Marietta offered the following substitute to the bill, H. 57:

A BILL TO BE ENTITLED AN ACT

To amend Section 36-13-12 of the Code of Alabama 1975, providing pension for widows of governors, so as to provide further for the amount of such pension and to provide such pension for certain widowers of governors.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 36-13-12, Code of Alabama 1975, is hereby amended to read as follows:

“§36-13-12.

“Any unmarried widow or widower who was the wife or husband of any person who has held the office of governor of Alabama during his such person's term of office as governor shall be entitled to a pension of ~~\$600.00~~ \$1,200.00 per month, which shall be payable at the end of each month from any funds in the state treasury not otherwise appropriated, until he or she remarries or dies.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 56; Nays 7.

Yeas:

Reps. Adams, Beasley, Black, Blake, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Butler, Campbell, Carter, Coburn, Cosby, Crow, Curry, Davis,

FIRST EXTRAORDINARY SESSION
5th Day

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Dillard, Drake, Freeman, Goodwin, Grouby, Hall, Hammett, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Junkins, Knight, Layson, Logan, Marietta, Marks, McDowell, McMillan, Moon, Newton, Penry, Perdue, Petelos, Rains, Reed, Richardson, Starkey, Thomas, Venable, Warren, White (F), White (L), Willis and Zoghby.

—56

Nays:

Reps. Hamilton, Holley, Johnson (RG), Mathis, McKee, Mikell and Newman.

—7

And the bill:

H. 57. To amend Section 36-13-12 of the Code of Alabama 1975, providing pension for widows of governors, so as to provide further for the amount of such pension and to provide such pension for certain widowers of governors.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 51; Nays 15.

Yeas:

Reps. Adams, Beasley, Black, Blake, Bowling, Box, Breedlove, Bryant, Bugg, Burke, Butler, Campbell, Carter, Cosby, Crow, Curry, Davis, Dillard, Drake, Freeman, Goodwin, Grouby, Hammett, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Knight, Layson, Logan, Marietta, Marks, McDowell, Moon, Newton, Penry, Perdue, Petelos, Rains, Reed, Richardson, Starkey, Thomas, Venable, White (F), White (L), Willis, Wright and Zoghby.

—51

Nays:

Reps. Blakeney, Brooks, Ford, Hall, Holley, Johnson (RG), Johnson (RW), Junkins, Laird, Mathis, McKee, Mikell, Newman, Rogers and Warren.

—15

And the bill:

H. 14. To amend Act No. 80-582 of the Alabama Legislature to promote the conservation of the state's petroleum resources and to encourage the use of alternative motor fuels, to accomplish such measures by offering a tax incentive in the form of a reduced rate of taxation on the motor fuel known as "gasohol," as defined herein, and to fix a termination date for the reduced rate.

Was taken up.

INDEFINITELY POSTPONED

On motion of Rep. Coburn, the bill, H. 14, was indefinitely postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Holley, the rules were suspended in order to take up out of order the bill, H. 126.

And the bill:

H. 126. To amend sections 16-31-1 and 16-31-4 of the Code of Alabama 1975 relating to the American Legion Scholarships so as to increase the value of the scholarships and to increase the number of scholarships awarded, except for persons currently receiving the scholarships shall remain at the current rate.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Brooks, Bryant, Bugg, Burke, Butler, Cosby, Crow, Curry, Davis, Dillard, Drake, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Haynes, Headley, Hettinger, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Junkins, Knight, Laird, Layson, Logan, Marks, Mathis, McMillan, Mikell, Moon, Newman, Parker, Payne, Perdue, Petelos, Rains, Thomas, Turner, Venable, Warren, White (G), White (L), Willis, Wright and Zoghby.

—60

And the bill:

H. 12. To amend Section 16-3-9, Code of Alabama 1975, which provides for the expense allowance for members of the state board of education, so as to increase said allowance.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 16.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Bowling, Box, Breedlove, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Freeman, Gaston, Goodwin, Gray, Grayson, Hammett, Harper, Harvey, Headley, Hettinger, Hill, Holmes, Hooper, Johnson (RW), Junkins, Kennedy, Knight, Layson, Logan, Marks, Mathis, McClain, McDowell, Melton, Moon, Newman, Newton, Penry, Perdue, Rains, Richardson, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, White (F), White (G), Willis, Wright and Zoghby.

—67

Nays:

Reps. Adams, Brooks, Cosby, Grouby, Hall, Haynes, Holley, Johnson (RG), Laird, McKee, McMillan, Mikell, Payne, Petelos, Venable and White (L).

—16

CO-SPONSOR ADDED

Rep. Drake was added as co-sponsor to the bill, H. 12.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 47. To amend sections 27-4-4 and 27-4-5, Code of Alabama 1975, so as to delete provisions allowing insurance companies to deduct examination expenses from premium taxes.

TOMMY CARTER,
Chairman.

And the bill, H. 47 as engrossed, was ordered sent to the Senate.

BILLS ON THIRD READING RESUMED

And the bill:

H. 15. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1989, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Cosby, Crow, Curry, Davis, Drake, Faulk, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Payne, Penry, Perdue, Petelos, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, White (F), White (G), White (L), Willis, Wright and Zoghby.

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CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:08 P.M. on September 6, 1988.

H. J. R. 21

H. J. R. 22

H. J. R. 23

H. J. R. 54

H. J. R. 61

H. J. R. 69

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Holley, the House adjourned until 1:00 o'clock p.m., Wednesday, September 7, 1988.

SIXTH DAY

House of Representatives
Montgomery, Alabama
Wednesday, September 7, 1988

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend George O'Brian, Pastor, Grace Baptist Church, Prattville, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Gerald Crumpton.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson,

Rogers, Seibels, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—103

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifth legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the fifth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fifth legislative day was approved.

BILLS ON SECOND READING

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 94. To amend section 36-21-9 of the Code of Alabama 1975, which provides for a card authorizing an honorably retired law enforcement officer to carry a handgun so as to change the issuance of the card from an annual to a permanent basis.

S. 172. To amend Section 36-22-16 of the Code of Alabama 1975, so as to provide for the compensation of the sheriffs of the several counties in this state.

H. 156. To create an Alabama "generation-skipping transfer" tax which takes advantage of the state tax credit allowed in computing the federal "generation-skipping transfer" tax, thereby adding revenues to the state of Alabama without increasing the total tax liability of taxpayers.

H. 271. To empower certain federal law enforcement officers to enforce the laws of this State and to arrest persons violating said Laws.

S. 2. To amend Sections 22-27-3 and 22-27-6, Code of Alabama 1975, which relate to the authority of local governing bodies as to methods of waste collections and disposal, and the time for local government compliance with the solid waste laws so as to provide further for the methods of waste collection and disposal facilities for solid wastes; to grant to the several county commissions and municipalities the power and authority by resolution or ordinance or after calling an advisory referendum to adopt rules and regulations requiring mandatory public participation in solid waste collection and disposal programs; providing that failure to comply with the provisions of the article by the owner of solid waste generating property shall constitute a public nuisance and providing for the assessment for the cost of such collection and disposal against such solid waste generating property; to provide for the collection of such assessments; to provide that the amounts of such

assessments shall be a lien on the property against which they are assessed and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary county taxes; and to amend Section 22-27-7, Code of Alabama 1975, which relates to penalties for violation of the provisions of the article so as to further provide for such penalties.

H. 238. To require county governing bodies to establish precincts, wards and voting districts based on clearly visible, definable and observable physical boundaries based on U. S. Census Bureau criteria not later than March 15, 1989; to provide for participation by Alabama in programs of the Census Bureau for census data for purposes of reapportionment; to define terms; to require the counties to provide and maintain maps of said precincts, wards and voting districts to the probate judge, board of registrars and the secretary of state; to provide for the maximum number of voters in voting districts; to provide for the designation of places of voting; to require the certification of lists of eligible voters by the probate judge; to provide for boxes and machines for elections; to provide for the posting of boundaries of precincts, wards or voting places and for the changing of precinct, ward and voting district boundaries and changes in places of voting; to provide for the enforcement of this act; to provide that the Reapportionment Task Force shall be the official state liaison between the state, the counties and the U. S. Census Bureau for purposes of implementing the provisions of this act; to require cooperation by all county, municipal and state agencies and officials with the Reapportionment Task Force; and to specifically supersede and repeal Sections 17-5-1 through 17-5-13, Code of Alabama 1975, effective March 15, 1989.

H. 219. To prohibit any state or county inmate from being employed by any district attorney, judge, or sheriff, or any parent, sibling, or child of any district attorney, judge, or sheriff, or for any business one-third or more of which is owned by any district attorney, judge, or sheriff, or any parent, sibling, or child of any district attorney, judge, or sheriff; and to provide a misdemeanor penalty.

H. 64. To amend Section 13A-5-2, Section 13A-5-11 and Section 13A-5-12 of the Code of Alabama 1975, to provide for the imposition of minimum fines in criminal sentences.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 35. To amend Section 5-13A-2, Code of Alabama 1975, relating to banks and banking, to add the State of Texas to the states within the definition of "region" covered by the Alabama Regional Reciprocal Banking Act of 1986; to provide for severability of the provisions of this Act; to provide for the amendment of conflicting laws to the extent of such conflict; and to provide an effective date.

Rep. White (L), Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 148. To authorize the State Department of Veterans' Affairs to provide for the operation of a state veterans' home or homes; to provide for

the administration of such homes; to authorize the receipt and use of federal and other funds for such purpose; to provide for the powers and duties of the State Board of Veterans' Affairs regarding said veterans' home; to create a veterans' home trust fund; to provide certain admission and discharge policy, to require certain reports and budget requests, to specify reimbursement policy; and to provide that certain certification requirements are met.

S. 149. To provide for a voluntary check-off designation on state income tax returns for the 1988 tax year and each year thereafter for the Alabama Veterans' Home Program; to provide the form for such designation; to provide for the crediting to the Department of Veterans' Affairs of the total amount designated for nursing home and health care services for aged and disabled veterans in Alabama; and to provide for an effective date.

H. 327. To allow as a cost saving measure the State of Alabama to purchase a blanket bond to cover all notaries public within state government, to provide for the termination of an employee's notary commission upon separation from state government, to require notification to relieve the probate judge of certain liability.

H. 328. This bill amends the 1975 Code of Alabama, sections 41-15-2 through 41-15-9 and 41-15-11 to provide increased discounts for all insured, to clarify other provisions relating to the duties and responsibilities of the State Insurance Fund.

Rep. Britnell, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 337. To authorize the board of directors of the Alabama Mining Museum to erect signs on the rights-of-way of public roads and highways giving directions to the location of the museum.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 311. Relating to Bibb County, to authorize the county commission to levy an additional one cent (\$.01) sales and use tax in the county in areas located outside the municipal limits of Centreville, Brent and West Blocton; to provide for collection of said tax by the state revenue department; and to distribute the net proceeds of said tax to the county general fund.

H. 335. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Scottsboro in Jackson County.

H. 336. Relating to Pike County; repealing Act No. 81-747, H. 1120, 1981 Regular Session (Acts 1981, p. 1274), entitled "An Act Relating to Pike County; to provide further for the election of the members of the county board of education," so as to allow the qualified electors in the City of Troy to vote in such elections.

Rep. White (G), Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 103. Relating to Jefferson County; to amend Section 22, Act 248 of the Legislature of Alabama of 1945, as amended by Act 562, approved

October 9, 1947, as amended by Act 670, approved September 16, 1953, as amended by Act 1600 (General Acts of 1971, page 2754), as amended by Acts 679 and 684, approved May 23, 1977, to provide further for remedies for employees dismissed, demoted or suspended.

Rep. Hall, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 7. Relating to Madison County, providing a certain county supplement to the salary of each supernumerary circuit clerk in the Twenty-third Judicial Circuit payable from the county treasury.

H. 333. To propose an amendment to the Constitution of Alabama of 1901, as amended, so that notwithstanding existing provisions thereof the governing body of the City of Huntsville in Madison County shall have the authority to make a one-time appropriation of money, up to a maximum total appropriation of \$2,000,000.00, to one or more bona fide nonprofit organizations, which at the time of such appropriation has been organized for the purpose of fostering and coordinating volunteer activity in the field of the literary, visual, or performing arts, which said appropriation is to be used exclusively for construction of one or more buildings located within said city and owned by such organization; to provide that the City of Huntsville shall also have the authority to provide up to \$100,000.00 annually for certain operational expenses and maintenance of buildings; to provide that the provisions of such amendment, if adopted, shall be self-executing; and to provide for referendum.

The above bill was read a second time at length as required by the Constitution.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 325. Relating to the Eighteenth Judicial Circuit, in Clay, Coosa and Shelby Counties, providing further for the compensation of the district attorney.

H. 338. Relating to Chambers County; abolishing the county offices of tax assessor and tax collector; providing for the establishment of a consolidated and unified system of assessment and collection of ad valorem taxes under the supervision of an elective county official designated as county revenue commissioner of said county; providing for the election and compensation of such revenue commissioner, and providing for a referendum upon the question of whether a majority of the qualified electors of Chambers County favor a revenue commissioner.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 51. To provide that the Judicial Inquiry Commission's investigative and litigation costs shall be paid out of the funds appropriated annually to the court costs fund or funds; and to provide for repayment of any refunded or recaptured amounts to the court cost fund or general fund.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 101. (With Substitute) (With Amendments): To levy a fee of \$10.00 per ton on operators of commercial sites for the disposal of hazardous waste for each ton of hazardous waste received for disposal at such sites; to define certain terms; to provide for penalties and interest charge for non-compliance, departmental cost for collection, authority for rulemaking, and general record keeping requirements for commercial hazardous waste facility operators; and to provide that the operators of such sites shall pay all such fees levied to the State General Fund.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 117. To amend sections 1, 2 and 3 of Act No. 88-599, H. 461, 1988 Regular Session (Acts of 1988, p. 929), providing for a cost-of-living increase to certain retirees who retired under the employees' retirement system prior to October 1, 1987, so as to provide the same increase to those who retire prior to October 1, 1988.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 132. (With Amendments): To levy a fee of \$13.00 per ton on operators of commercial sites for the disposal of hazardous waste or hazardous substances for each ton of hazardous waste or hazardous substance received for disposal at such sites; to define certain terms; to provide for penalties and interest charge for non-compliance, departmental cost for collection, authority for rulemaking, and general record keeping requirements for commercial hazardous waste or hazardous substance disposal facility operators; and to provide that the operators of such sites shall pay all such fees levied to the State General Fund.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 267. Relating to cemeteries; to authorize counties and municipalities to expend public money to preserve and protect abandoned cemeteries.

H. 296. To amend further sections 16-25-14 and 36-27-16, Code of Alabama 1975, relating to retirement benefits under the Teachers' and Employees' Retirement Systems, so as to provide for disability retirement in cases of service retirement upon completion of twenty-five years of creditable service.

H. 317. Providing for elected superintendents of education to participate in the teachers' retirement system upon ratification of an amendment to the Constitution of Alabama 1901 allowing such elected superintendents to participate in such retirement system.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 28. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1989.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 65. To provide a seven and one-half percent (7.5%) pay increase for certain public education employees with the beginning of the 1988-89 fiscal year; to provide a continuing pay increase provision for those teachers who have gained or may gain "continuing service status" or attain five years teaching experience in public schools and institutions; to define "continuing service status" for pay purposes only; to provide a seven and one-half percent (7.5%) increase for full-time personnel on all Salary Schedules in all public two-year colleges; to grant two-year college personnel credit for prior work experience; to prescribe a manner for payment; to establish miscellaneous pay provisions; and to provide an effective date.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Newman:

H. R. 100. MOURNING THE DEATH OF STEVEN ARNOLD JONES OF GUIN, ALABAMA.

Also:

By Rep. Newman:

H. R. 101. COMMENDING JOE NELTON WHITE OF BEAVER-TON, ALABAMA, ON HIS DISTINGUISHED TENURE WITH THE UNITED STATES POSTAL SERVICE.

Also:

By Rep. Newman:

H. R. 102. COMMENDING THE MAX WEAVER FAMILY OF FAY-ETTE, ALABAMA.

Also:

By Rep. Newman:

H. R. 103. MOURNING THE DEATH OF MRS. SARAH CARRIE WHITE OF FAYETTE, ALABAMA.

Also:

By Rep. Newman:

H. R. 104. MOURNING THE DEATH OF CHARLES OWENS JOHNSON OF VERNON, ALABAMA.

Also:

By Rep. Newman:

H. R. 105. COMMENDING JOE G. ACEE OF SULLIGENT, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND COMMUNITY SERVICE.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 57. To amend Section 36-13-12 of the Code of Alabama 1975, providing pension for widows of governors, so as to provide further for the amount of such pension and to provide such pension for certain widowers of governors.

TOMMY CARTER,
Chairman.

And the bill, H. 57 as engrossed, was ordered sent to the Senate.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Newman:

H. R. 106. MOURNING THE DEATH OF BOBBY HOLLINGSWORTH OF FAYETTE, ALABAMA.

Also:

By Rep. Newman:

H. R. 107. MOURNING THE DEATH OF MAZARINE W. STOWE OF FAYETTE, ALABAMA.

Also:

By Rep. Newman:

H. R. 108. MOURNING THE DEATH OF ROY L. PERKINS OF BEAVERTON, ALABAMA.

Also:

By Rep. Newman:

H. R. 109. MOURNING THE DEATH OF JAMES TED TAYLOR OF FAYETTE, ALABAMA.

Also:

The following resolutions were introduced:

By Reps. White (L), Campbell, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), Williams, Willis, Wright and Zoghby:

H. J. R. 110. COMMENDING LOUISE PITTMAN FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

WHEREAS, Miss Sarah Louise Pittman, Director of the Division of Family and Children's Services of the State Department of Human Resources, has served the children of Alabama for more than a half century, first with the Colbert County Department of Education beginning in 1935, and then with the Department of Human Resources beginning in 1938; and

WHEREAS, during her decades of service, she has been directly responsible for innumerable developments in Alabama's child welfare services that have enhanced the lives of tens of thousands of children; and

WHEREAS, Miss Pittman has been the recipient of countless honors and awards of regional and national scope, and has thereby enhanced the image and reputation of Alabama's child welfare services; and

WHEREAS, Miss Pittman will retire from state service effective September 30, 1988; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend deepest gratitude and best wishes to Sarah Louise Pittman for her service to Alabama's children, and do further direct that she receive a copy of this resolution of sincere admiration and highest regard.

On motion of Rep. White (L), the rules were suspended and the resolution H. J. R. 110 was adopted.

Also:

By Rep. Gray:

H. R. 111. DESIGNATING NOVEMBER 14, 1988, AS "OPERATION BLESSING DAY" IN ALABAMA.

WHEREAS, on November 14, 1978, "OPERATION BLESSING" was launched by Christian Broadcasting Network President, Pat Robertson, as a means of helping clothe and feed the poor and hungry according to Isaiah 58:6-14; and

WHEREAS, the name "OPERATION BLESSING" is derived from the fact that all involved will either bless or be blessed and is based on the fulfillment of the condition given in Isaiah 58:7 and the reward set forth in the next two verses:

"Is it not to divide your bread with the hungry and bring the homeless poor into the house? when you see the naked, to cover him?—then your recovery will spring forth: and your righteousness will go before you: the glory of the Lord will be your rear guard. Then you will call and the Lord will answer: You will cry, and He will say, 'Here I am.'"; and

WHEREAS, the essence of this program is to provide a means whereby the local church, its members and CBN, as well, can be a blessing to the people of God, influence their communities for good, and be blessed of God; and

WHEREAS, "Operation Blessing" is not, in any sense, an attempt to compete with or to supplant presently existing humanitarian outreaches; rather, it is an extension of the church, aimed primarily at those within the community of committed Christians who have need—"These are my brethren" (Matthew 25:31-46)—and it calls for maximum participation by those who love the Lord and who want to be faithful to God's oft-expressed admonition to attend lovingly to the needs of the poor, or to whichever member of the household of God who may be experiencing difficult times; and

WHEREAS, "Operation Blessing" is many things to many people: it's money for a fuel bill; it's a matching service for elderly people on fixed incomes needing companions to share homes and expenses; it's physicians and plumbers and dentists and laborers volunteering their services to the indigent; it's beauticians giving their professional services in homes for the elderly; it's a funeral home contributing its service to a family too poor to pay; it's a refrigerator for a family without one, donated by a family with one to spare; it's money for the rent or mortgage payment when there is none; it's a car for urgently needed transportation, donated by an individual with a desire to help another; it's all that and much more—ultimately, "Operation Blessing" is one way of obeying God's command that we "Love one another"; and

WHEREAS, an average of over \$8,000.00 monthly is used for this purpose by cooperating churches, ministries and businesses helping about one thousand four hundred people in the Alabama area and there are an average of fifty people each month who are saved and become members of the local churches who ministered to them; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby designate November 14, 1988, the 10th anniversary of "Operation Blessing," as "OPERATION BLESSING DAY" in the State of Alabama.

On motion of Rep. Gray, the rules were suspended and the resolution, H. R. 111, was adopted.

Also:

By Rep. Gray:

H. J. R. 112. DESIGNATING NOVEMBER 14, 1988, AS "OPERATION BLESSING DAY" IN ALABAMA.

WHEREAS, on November 14, 1978, "OPERATION BLESSING" was launched by Christian Broadcasting Network President, Pat Robertson, as a means of helping clothe and feed the poor and hungry according to Isaiah 58:6-14; and

WHEREAS, the name "OPERATION BLESSING" is derived from the fact that all involved will either bless or be blessed and is based on the fulfillment of the condition given in Isaiah 58:7 and the reward set forth in the next two verses:

"Is it not to divide your bread with the hungry and bring the homeless poor into the house? when you see the naked, to cover him?—then your recovery will spring forth: and your righteousness will go before you: the glory of the Lord will be your rear guard. Then you will call and the Lord will answer: You will cry, and He will say, 'Here I am.'"; and

WHEREAS, the essence of this program is to provide a means whereby the local church, its members and CBN, as well, can be a blessing to the people of God, influence their communities for good, and be blessed of God; and

WHEREAS, "Operation Blessing" is not, in any sense, an attempt to compete with or to supplant presently existing humanitarian outreaches; rather, it is an extension of the church, aimed primarily at those within the community of committed Christians who have need—"These are my brethren" (Matthew 25:31-46)—and it calls for maximum participation by those who love the Lord and who want to be faithful to God's oft-expressed admonition to attend lovingly to the needs of the poor, or to whichever member of the household of God who may be experiencing difficult times; and

WHEREAS, "Operation Blessing" is many things to many people: it's money for a fuel bill; it's a matching service for elderly people on fixed incomes needing companions to share homes and expenses; it's physicians and plumbers and dentists and laborers volunteering their services to the indigent; it's beauticians giving their professional services in homes for the elderly; it's a funeral home contributing its service to a family too poor to pay; it's a refrigerator for a family without one, donated by a family with one to spare; it's money for the rent or mortgage payment when there is none; it's a car for urgently needed transportation, donated by an individual with a desire to help another; it's all that and much more—ultimately, "Operation Blessing" is one way of obeying God's command that we "Love one another"; and

WHEREAS, an average of over \$8,000.00 monthly is used for this purpose by cooperating churches, ministries and businesses helping about one thousand fourteen hundred people in the Alabama area and there are an average of fifty people each month who are saved and become members of the local churches who ministered to them; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate November

14, 1988, the 10th anniversary of "Operation Blessing," as "OPERATION BLESSING DAY" in the State of Alabama.

On motion of Rep. Gray, the rules were suspended and the resolution, H. J. R. 112, was adopted.

Also:

By Reps. Kvalheim, Zoghby, Marietta, Gaston, McMillan and Penry:

H. J. R. 113. CONGRATULATING THE UMS PREPARATORY SCHOOL BASEBALL TEAM AS OUR 1988 STATE 3A CHAMPIONS.

WHEREAS, it is with highest commendation that the Alabama Legislature congratulates the UMS Preparatory School baseball team as tops in the State in Class 3A competition; and

WHEREAS, under the talented leadership and direction of Head Coach Mike Jacobs and Assistant Coach Tommy Hearn, UMS Prep finished the season with a fantastic 19-9 overall record and brought the State 3A Title back to Mobile for the school's second Championship for 1988; and

WHEREAS, Coach Jacobs' Champs, each of whom greatly contributed to UMS's outstanding season and the 3A Crown, are: Seniors John Parker, Alvin Hope, Trey Steele, Joel Barlow, Craig Perloff, Jason Bethea and Steve Hancock; Juniors Donnie Brown, Eddie Massey and Colby Maher; and Sophomores Brad Thompson, Brian Allen, Drew Mattison, Chris McKee, William Younce, Doug Sawyer, Chris Crawford, Jason Kilpatrick and Robert Miller; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Mobile's UMS Preparatory School as our 1988 State 3A Baseball Champions, and do further direct that copies of this resolution be forwarded to Coach Jacobs for appropriate presentation and school display.

On motion of Rep. Kvalheim, the rules were suspended and the resolution, H. J. R. 113, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Kvalheim, Zoghby, Marietta, Gaston, McMillan and Penry:

H. R. 114. CONGRATULATING THE UMS PREPARATORY SCHOOL BASEBALL TEAM AS OUR 1988 STATE 3A CHAMPIONS.

Also:

By Reps. Kvalheim and Ford:

H. J. R. 115. COMMENDING MAX V. MCLAUGHLIN ON HIS DISTINGUISHED MILITARY CAREER.

WHEREAS, the imminent retirement on November 3, 1988, of Brigadier General Max V. McLaughlin brings to a close a distinguished military career of 40 years, including 37 years of active commissioned service; and

WHEREAS, a native of Blue Springs, Alabama, General McLaughlin is a graduate of the University of Alabama Medical School, having received his M.D. degree in 1956; and

WHEREAS, General McLaughlin entered active duty as an enlisted man in October 1946 and was discharged, following assignments at Ft. McClellan, in Japan and at Ft. Lewis in Washington; and

WHEREAS, in 1950, he joined the United States Army Reserve and was given an ROTC commission in 1952; he served as Cadet Lieutenant Colonel for the University of Alabama ROTC and was a distinguished military graduate; and

WHEREAS, General McLaughlin served in the USAR in various assignments, including platoon leader and medical officer, until 1956, at which time he transferred to the Alabama National Guard as a 1st Lieutenant and was assigned as medical officer, Medical Company 200th Infantry and was promoted to Captain; and

WHEREAS, with the ARNG, General McLaughlin was promoted successively to the rank of Major in 1961, Lieutenant Colonel in 1966, Colonel in 1972, and was appointed Brigadier General in 1984; and

WHEREAS, from 1984 until 1987, General McLaughlin held the position of Deputy Adjutant General and, in 1987, was appointed Assistant State Adjutant General, his current and retirement rank; and

WHEREAS, in addition to his outstanding military career, General McLaughlin has served the community as a physician, and through the activities of numerous professional, civic and community organizations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend General Max V. McLaughlin for outstanding service to community, state and nation and, most particularly, on his long years of service in the United States Army, the United States Army Reserve and the Alabama Air National Guard.

BE IT FURTHER RESOLVED, That in token of our sincere admiration and esteem, a copy of this resolution shall be forwarded to General McLaughlin.

On motion of Rep. Kvalheim, the rules were suspended and the resolution, H. J. R. 115, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Kvalheim and Ford:

H. R. 116. COMMENDING MAX V. MCLAUGHLIN ON HIS DISTINGUISHED MILITARY CAREER.

Also:

The following resolution was introduced:

By Rep. Blakeney:

H. J. R. 117. CONGRATULATING SWEET WATER HIGH SCHOOL ON THE CLASS 1A STATE BASEBALL CHAMPIONSHIP.

WHEREAS, the Alabama Legislature extends heartiest congratulations to the Sweet Water High School Baseball Varsity on their 1988 Class 1A State Championship, captured with 15-0 and 6-5 wins over the Moundville team from Hale County; and

WHEREAS, prior to the championship round, Sweet Water downed Excel and Brantley, 18-0 and 15-3, respectively, and in the best-of-three series against Fayetteville, Sweet Water won the first game, 9-5; lost the second by a score of 5-3; and, in the final match-up, swamped Fayetteville, 20-4, for the State Crown; and

WHEREAS, leading the Sweet Water team to a sensational season and the 1A Title were Head Coach Nolan Atkins and Assistant Coaches Tuffy Atkins and Stacy Luker, with Myron Pope and Randy Waters serving as team managers; and

WHEREAS, the Sweet Water High School Champions are Adam Ballard, Clint McIntosh, Gerald Marshall, Johnter Landrum, Morris Etheridge, Kelvin Johnson, Terry McIntosh, Ted Marshall, Scott Luker, Robert Bridges, Tim Hudgins, Kim Morgan, Shaun Gamble, Eric Megginson, Gerald Williams, Ken Atkins, Tobia Johnson, Alvin Landrum, Rube Lewis and Todd Davis; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Marengo County's Sweet Water High School as the 1988 Class 1A State Baseball Champions, and do further direct that copies of this resolution be forwarded to Principal Sidney Atkins for appropriate presentation and school display.

On motion of Rep. Blakeney, the rules were suspended and the resolution, H. J. R. 117, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Butler:

H. R. 118. MOURNING THE DEATH OF CHRIS CAUDLE OF TRIANA, ALABAMA.

Also:

The following resolutions were introduced:

By Reps. Butler, Grayson, Freeman, Hettinger, Brooks and Hall:

H. J. R. 119. MOURNING THE DEATH OF GEORGE ERNEST HARRIS OF HUNTSVILLE, ALABAMA.

WHEREAS, the Alabama Legislature grievously records the death of George Ernest Harris of Huntsville, Alabama, on August 4, 1988, at the age of 93 years; and

WHEREAS, a resident of Huntsville since 1954, Mr. Harris was a co-founder, with his wife, of Harris Home for Children which was incorporated in 1957 and licensed as a group care home by the Department of Human Resources in 1960; and

WHEREAS, Mr. and Mrs. Harris, upon moving to Huntsville from Ohio with their four children and six foster children, realized a need in the community for adequate facilities and foster care for neglected and abused children, most particularly for neglected black children; and

WHEREAS, in response to this need, the Harris family opened their home and hearts to these children, operating with their own limited funds and with donations from friends; at one point in the early years of operation, Mr. Harris returned to Ohio where he worked for two years to earn enough money to build an addition to their home in Huntsville; and

WHEREAS, the Harris Home for Children, since the 1950's, has provided shelter and loving foster care for innumerable infants, children and youths in the Huntsville area, and Mr. Harris was a devoted father, provider and supporter throughout these many years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of George Ernest Harris of Huntsville, Alabama, and extend sincere and deepest sympathy to his wife, Mrs. Chessie Harris; to his sons, George Harris, Jr., Herbert Davidson and Chester Harris; daughters, Mrs. Marilyn Mabry and Joan Robinson; and to other family members whose sorrow we share and for whom a copy of this resolution shall be provided.

On motion of Rep. Butler, the rules were suspended and the resolution, H. J. R. 119, was adopted.

Also:

By Rep. Butler:

H. J. R. 120. COMMENDING 1988 BOYS STATE GOVERNOR, MICHAEL WARD OF HUNTSVILLE, ALABAMA.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature congratulates Michael Ward of Huntsville, Alabama, as the 1988 and 51st Governor of Boys State, which is sponsored annually by the American Legion; and

WHEREAS, named as a delegate by Legion Post 176 of Huntsville, Michael Ward is a member and president of the Butler High School Class of '89, and is also captain of Butler's 22-member speech and debate team; and

WHEREAS, Michael, who is the 18-year-old son of Staff Sergeant and Mrs. Roy Brown, is only the second black ever elected to this top position in the history of Boys State, a week-long program of training in the practical aspects of government; and

WHEREAS, we further note, with highest commendation, that Michael Ward was elected to this high position from among 579 delegates representing high schools from throughout the State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and in pride of his representation of Alabama at Boys Nation in Washington, D. C., we hereby commend Michael Ward of Huntsville, Alabama, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

On motion of Rep. Butler, the rules were suspended and the resolution, H. J. R. 120, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Junkins and Bugg:

H. R. 121. MOURNING THE DEATH OF CARL LEON MESSER OF HOKES BLUFF, ALABAMA.

Also:

By Reps. Junkins and Bugg:

H. R. 122. MOURNING THE DEATH OF MATTYE SEAY LEACH OF GADSDEN, ALABAMA.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 3. RELATIVE TO THE PRINTING OF THE ACTS AND JOURNALS.

Also:

S. J. R. 5. COMMENDING JOAB THOMAS FOR DISTINGUISHED SERVICE TO THE UNIVERSITY OF ALABAMA.

Also:

S. J. R. 6. COMMENDING TRUMAN AND BOBBIE McCRELESS GLASSCO FOR OUTSTANDING ACHIEVEMENT AND COMMUNITY SERVICE.

Also:

S. J. R. 10. NAMING THE BRIDGE ON STATE HIGHWAY 27, SOUTHWEST OF ABBEVILLE, ALABAMA, THE "CURETON BRIDGE".

Also:

S. J. R. 11. NAMING THE BRIDGE ON STATE HIGHWAY 27, SOUTHWEST OF ABBEVILLE, ALABAMA, THE "CURETON BRIDGE".

Also:

S. J. R. 12. COMMENDING FORMER STATE REPRESENTATIVE GARY COOPER OF MOBILE, ALABAMA.

Also:

S. J. R. 13. COMMENDING THOMAS B. NORTON OF GULF SHORES, ALABAMA, FOR OUTSTANDING PROFESSIONAL SERVICE AND MUNICIPAL LEADERSHIP.

Also:

S. J. R. 15. NAMING "FORT S. RALPH TERHUNE," ALABAMA ARMY NATIONAL GUARD ARMORY IN BIRMINGHAM, ALABAMA.

Also:

S. J. R. 14. NAMING THE BASEBALL FIELD AT CLEBURNE COUNTY HIGH SCHOOL IN HEFLIN, ALABAMA, IN HONOR OF ROBERT LUTHER MORTON.

Also:

S. J. R. 16. COMMENDING THE ALABAMA SYMPHONY ORCHESTRA.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 11. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Decatur, in Morgan County.

Also:

S. 12. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

Also:

S. 25. Relating to Franklin County; to provide for additional expense allowances for members of the board of registrars and to provide for its retroactive effect.

Also:

S. 31. Relating to Etowah County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the compensation of such official; abolishing the offices of tax assessor and tax collector; repealing conflicting laws; and providing for a referendum thereon.

Also:

S. 33. Providing for the filling of vacancies, for whatever nature, in the public offices in Etowah County; prescribing the election procedure for certain vacancies for more than one year remaining; prescribing the manner of operating any vacant office for an unexpired term of less than a year; and repealing conflicting laws.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 17. Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of a Lamar County Water Coordinating and Fire Prevention Authority by a general or a local act of the Legislature.

Also:

S. 19. Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of a Fayette County Water Coordinating and Fire Prevention Authority by a general or a local act of the Legislature.

Also:

S. 16. Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of a Franklin County Water Coordinating and Fire Prevention Authority by a general or a local act of the Legislature.

Also:

S. 18. Proposing an amendment to the Constitution of Alabama of 1901 relating to authorizing the creation of a Winston County Water Coordinating and Fire Prevention Authority by a general or a local act of the Legislature.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

NOTICE IN WRITING FILED

Rep. McKee filed the following Notice in Writing:

Notice is given that on the next legislative day I will move that the Standing Committee on Ways & Means be directed to act on H. B. 318 which is now pending before such committee and to thereafter report said bill to the House at its next sitting.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senator Hilliard (With Notice and Proof):

S. 141. To further amend Section 6 of Act No. 529 of the Legislature of Alabama of 1923, as codified in Title 62, Section 725, Code of Alabama 1940 (Recomp. 1958) and as amended by Act No. 87-788 to provide an expense allowance for members of the Park and Recreation Board of the City of Birmingham.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 141, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 141. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Dial, Barron, Denton, Mitchem, and Rice:

S. 42. To amend Section 37-1-47 of the Code of Alabama 1975, relating to Public Service Commission intervention in certain federal proceedings, so as to provide further for participation in federal proceedings by the Public Service Commission.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 42. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Preuitt (With Notice and Proof):

S. 36. Relating to Talladega County, requiring the inspection of all asphalt plants eligible to bid on the sale of asphalt plant mix to the county or any municipality within the county by the highway department.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 36, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Preuitt (With Notice and Proof):

S. 38. Relating to Talladega County; to provide for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 38, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 36. Local Legislation No. 1.

S. 38. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Holmes:

S. 48. Further providing for service charges of worthless checks for restitution and in the criminal procedure from crimes relating to worthless checks or negotiating a worthless negotiable instrument and notice, so as to increase such charges; amending Section 12-17-224, Code of Alabama 1975, as amended by Act No. 87-565, S. 319, Regular Session 1987, relating to restitution process and service charges for worthless checks; amending Section 13A-9-13.1, Code of Alabama 1975, as amended, relating to the crime of

negotiating a worthless negotiable instrument and service charges, and Section 13A-9-13.2, Code of Alabama 1975, as amended, relating to notice of such crime and service charges, so as to increase such service charges.

Also:

By Senators Amari, Bedford, and Hale:

S. 52. To amend Section 43-2-502 of the Code of Alabama 1975, relating to the filing of accounts by executors or administrators, so as to provide that the written evidence in the possession of an executor or administrator on which the executor or administrator relies to sustain the credit side of the account may consist of an affidavit or any other legal evidence, in the discretion of the executor or administrator.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 48. Judiciary.

S. 52. Banking.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator deGraffenried:

S. 100. To amend Sections 40-6-1, 40-6-3 and 40-6-4, Code of Alabama 1975, relating to the compensation and benefits paid to supernumerary tax assessors, tax collectors, revenue commissioners, license commissioners or other elected officials charged with the assessment and/or collection of ad valorem taxes, so as to cover appointed ad valorem tax officials and provide for a surviving spouse benefit.

Also:

By Senator Manley:

S. 107. To further regulate the advertising by dentists, and the fees of dentists for administering anesthesia intravenous sedation; and to further amend Sections 34-9-19, 34-9-60, 34-9-61, 34-9-63 and 34-9-64, Code of Alabama 1975, as amended, relating to fees and advertising, so as to further provide therefor.

Also:

By Senator Langford:

S. 165. To amend Sections 34-33-1, 34-33-2, 34-33-3, 34-33-4, 34-33-5, 34-33-6 and 34-33-10 of the Code of Alabama 1975, relating to fire

protection sprinkler systems, so as to redefine such systems and to further regulate the fire protection sprinkler system business in this state.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 100. State Administration.

S. 107. Health.

S. 165. Small Business.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Ellis:

S. 51. To amend §16-8-3 and §16-8-4, Code of Alabama, 1975, relating to the scheduling of regular meetings and annual public meetings of county boards of education.

Also:

By Senator Bedford:

S. 68. To amend Sections 9-17-1 and 9-17-33, Code of Alabama 1975, relating to oil and gas, so as to provide for a floating rate of interest on undistributed oil and gas revenues, to provide for distribution of royalty on gas produced from natural gas wells completed in reservoir or reservoirs of Paleozoic geologic age, including periodic cash balancing, to establish semi-annual balancing periods, to provide a procedure for such balancing, to require that certain accounting data be furnished and to provide for attorney's fees in certain royalty collection suits.

Also:

By Senator Bailey:

S. 171. To amend Section 26-16-5, Code of Alabama 1975, relating to meetings of the Child Abuse and Neglect Prevention Board, so as to delete two mandated meeting dates of such Board.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 51. Education.
- S. 68. Oil and Gas.
- S. 171. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Horn:

S. 62. To amend Section 14-1-14 of the Code of Alabama 1975, increasing the Corrections revolving fund to \$40,000.00.

Also:

By Senator Horn:

S. 72. To make an appropriation from the State General Fund to the Mallard Fox Creek Port and Industrial Park for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

By Senator Horn:

S. 76. To make a supplemental appropriation to the Alabama Real Estate Commission from the Real Estate Commission Fund for capital outlay for the fiscal year ending September 30, 1988.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 62. Ways and Means.
- S. 72. Ways and Means.
- S. 76. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Campbell:

S. J. R. 29. COMMENDING H. A. ALEXANDER FOR OUTSTANDING SERVICE TO THE CITY OF MOULTON, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Parker, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 29, the title of which is set out in the above and foregoing Message from the Senate.

LEAVE OF ABSENCE

At the request of Rep. Freeman, leave of absence was granted for Rep. Hettinger.

INTRODUCTION OF BILLS

Bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Biddle:

H. 342. To amend Act No. 88-475, H. 747, 1988 Regular Session, which act creates the Alabama Mental Health Finance Authority and provides for mental health projects of the Authority, and financing of such projects; so as to authorize the Authority to enter into any necessary financial instruments or obligations with the Retirement Systems of Alabama in order to secure financing for the funding of projects of the Authority; and to provide that tax proceeds derived from sections 40-2-1 and 40-25-41, Code of Alabama 1975, or any subsequent tobacco tax, shall be primarily pledged for the payment of principal and interest on any said financing agreement.

Committee on State Administration.

By Reps. Spratt, Perdue, Payne, and Gray (With Notice and Proof):

H. 343. Relating to Jefferson County; authorizing retirees under the Retirement and Relief System of the City of Birmingham and the Retirement System of Jefferson County, who are elected to city or county offices, to receive both the retirement benefit and the salary for the public office.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 343, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. White (G), Payne, Wright, Petelos, Newton, and Curry:

H. 344. To amend Section 40-12-223, Code of Alabama 1975, for the purpose of exempting from the leasing tax imposed by Sections 40-12-220 through 40-12-227, Code of Alabama 1975, the gross proceeds derived from the leasing of tangible personal property pursuant to a sale-lease back financing that meets certain conditions, including the initial acquisition of such property by the lessee or by an entity controlled by, or under common control with, the lessee, the subsequent sale of such property to the lessor, and the leasing back of such property from the lessor by the lessee pursuant to a lease which, among other things, has a term of not less than fifteen years and does not constitute a sale for either Alabama or federal income tax purposes or both.

Committee on Ways and Means.

By Reps. Adams, Slaughter, White (G), Harper, Campbell, and White (L):

H. 345. To amend Section 39-1-1, Code of Alabama 1975, requiring bonds for persons, firms or corporations contracting with the state or political subdivisions thereof for repair or construction of public buildings, works, highways or bridges, by adding at the end of subsection (a) of the existing section a provision adding public corporations and authorities as political subdivisions covered by the section, but providing for the exemption, from the requirements of the section, of any real or personal property leased to a private entity and owned by a private entity for Alabama or federal income tax purposes.

Committee on Ways and Means.

By Rep. Britnell (With Notice and Proof):

H. 346. Relating to Franklin County; amending Act No. 88-562, S. 667, 1988 Regular Session (Acts 1988, p. 881), levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, so as to provide further for the collection and enforcement of the tax; and for the distribution of the proceeds therefrom.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 346, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner:

H. 347. To make a supplemental appropriation of \$1,000,000 from the Alabama Special Educational Trust Fund to the Marine Environmental Sciences Consortium for capital outlay for the fiscal year ending September 30, 1988.

Committee on Ways and Means.

By Rep. Rogers:

H. 348. To create the Alabama State Lottery Act which establishes a state lottery as a revenue-raising agency of state government and provides for its operation and administration; to provide for a commission, the agency and its divisions, director, and other personnel, their appointments, powers, compensation and duties; to regulate vendors, suppliers, contractors and retailers; to prescribe the manner for collecting receipts and distributing the net revenues and to make appropriations therefor; to confer certain peace officer status and access to certain criminal records; to provide for a temporary loan from the state treasury as "seed money" for the start-up of the lottery operation and to require repayment; to provide certain other funding where an emergency exists; to regulate the lottery operation and provide for strict accounting, security and reporting procedures; to prescribe penalties for certain violations and crimes; to exclude the state lottery from the operation of sunset requirements and the administrative procedures act, as well as certain state, county and local taxes; to define lottery or lotteries and other terms; to provide certain compensation for the commission members, the director and other personnel; to prohibit the divulging of certain patent information and trade secrets, or the usage of the theme of bingo, dog racing

or horse racing in lottery games; to prescribe the manner of validating and awarding prizes as well as providing certain judicial processes.

Committee on Ways and Means.

BILLS ON THIRD READING

And the bill:

S. 10. Relating to Morgan County; authorizing and empowering the Morgan County commission and the governing bodies of the incorporated municipalities in such county to regulate and control through the issuance of permits the location of rock quarry blasting operations within the county.

Was read a third time at length and passed.

Yeas 34; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blakeney, Bowling, Breedlove, Bryant, Buskey (JL), Butler, Dillard, Faulk, Freeman, Fuller, Gaston, Grayson, Grouby, Hall, Hammett, Haynes, Hettinger, Higginbotham, Johnson (RG), Layson, Marietta, Marks, Parker, Poole, Seibels, Thomas, Turnham, Venable, White (F), White (G) and White (L).

—34

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 13. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

Was read a third time at length and passed.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Butler, Carter, Curry, Dillard, Drake, Faulk, Ford, Freeman, Gaston, Grayson, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Hettinger, Higginbotham, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Layson, Marietta, Marks, McKee, Mikell, Parker, Seibels, Starkey, Thomas, Turnham, Venable, White (F), White (G) and White (L).

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 180. Relating to Baldwin County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

Was read a third time at length and passed.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blakeney, Breedlove, Britnell, Brooks, Bryant, Bugg, Butler, Curry, Dillard, Drake, Faulk, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Marietta, Marks, Mathis, McKee, McMillan, Mikell, Newton, Penry, Seibels, Starkey, Thomas, Turnham, Venable, White (G) and White (L).

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 28. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1989.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 65. To provide a seven and one-half percent (7.5%) pay increase for certain public education employees with the beginning of the 1988-89

fiscal year; to provide a continuing pay increase provision for those teachers who have gained or may gain "continuing service status" or attain five years teaching experience in public schools and institutions; to define "continuing service status" for pay purposes only; to provide a seven and one-half percent (7.5%) increase for full-time personnel on all Salary Schedules in all public two-year colleges; to grant two-year college personnel credit for prior work experience; to prescribe a manner for payment; to establish miscellaneous pay provisions; and to provide an effective date.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

And the bill:

S. 181. Relating to Baldwin County; providing further for the compensation of poll workers.

Was read a third time at length and passed.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blakeney, Bowling, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Carothers, Carter, Crow, Curry, Dillard, Drake, Ford, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hill, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Layson, Marietta, Marks, Mathis, McMillan, Newton, Penry, Perdue, Seibels, Starkey, Thomas, Turnham, Venable and White (L).

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 182. Relating to Baldwin County; repealing Act No. 88-381, H. 969, 1988 Regular Session (Acts 1988, p. 569) which increased court costs and provided for the disposition of the proceeds from the increase.

Was read a third time at length and passed.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Carothers, Carter, Coburn, Curry, Dillard, Drake,

Flowers, Ford, Freeman, Gaston, Grayson, Hall, Hamilton, Hammett, Haynes, Headley, Higginbotham, Hill, Johnson (RG), Knight, Kvalheim, Layson, Marks, Mathis, McMillan, Mikell, Newton, Penry, Seibels, Spratt, Starkey, Thomas, Turnham, Venable and White (L).

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 24. Relating to Jefferson County; to prescribe for the compensation of the Chief Deputy Sheriff of Jefferson County and to provide for the payment thereof.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JL), Coburn, Curry, Davis, Dillard, Drake, Flowers, Freeman, Grayson, Hall, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Johnson (RG), Knight, Kvalheim, Layson, Marks, Mathis, McDowell, McMillan, Mikell, Newton, Payne, Perdue, Rogers, Starkey, Thomas, Venable and White (L).

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 177. (With Amendment): Relating to Jefferson County, providing for a subsistence allowance for certain law enforcement officers.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H. B. 177 on page 1, Section 1, line 15, after the word "officer" by adding the following: , including the sheriff's executive assistant,

And the amendment was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JL), Coburn, Crow, Curry, Davis, Dillard,

Drake, Flowers, Ford, Freeman, Gaston, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Layson, Marks, McClain, Mikell, Newton, Parker, Payne, Petelos, Seibels, Spratt, Starkey, Turnham, Venable, White (G), White (L), Willis and Wright.

—53

And the bill, H. 177 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JL), Butler, Carothers, Carter, Coburn, Crow, Curry, Davis, Dillard, Drake, Flowers, Ford, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Layson, Marks, Mathis, McClain, McDowell, McMillan, Mikell, Newton, Parker, Payne, Perdue, Petelos, Seibels, Spratt, Starkey, Thomas, Turnham, Venable, White (G), White (L), Willis and Wright.

—65

And the bill:

H. 180. Relating to Jefferson County; requiring the county commission to make certain office space provisions in the new Jefferson County Sheriff's Headquarters building located at Eighth Avenue and 22nd Street, North, in the City of Birmingham for certain personnel in the sheriff's department.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Carothers, Carter, Coburn, Curry, Davis, Dillard, Drake, Flowers, Ford, Grayson, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Layson, Marks, Mathis, McClain, McDowell, Mikell, Newton, Parker, Payne, Perdue, Petelos, Rogers, Seibels, Spratt, Starkey, Thomas, Turnham, Venable, White (L) and Wright.

—53

And the bill:

H. 190. Relating to Jefferson County; to continue the office of Assistant Sheriff, Bessemer Division; to prescribe the duties, responsibilities and term; to provide for the appointment, qualifications and compensation of said office; to repeal all conflicting statutes; to provide for severability of the provisions of this act and to prescribe the effective date of such act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 1.

Yeas:

Mr. Speaker, Biddle, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Butler, Carothers, Coburn, Curry, Davis, Dillard, Drake, Flowers, Gaston, Grayson, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Layson, Marks, Mathis, McClain, McDowell, McMillan, Newton, Parker, Perdue, Petelos, Rogers, Starkey, Thomas, White (L) and Wright.

—47

Nay: Rep. Payne.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 191. To provide for the appointment of a Chief Deputy Tax Collector by the Elected Jefferson County Tax Collector and to provide for compensation, funding and qualifications of said Chief Deputy.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 1.

Yeas:

Mr. Speaker, Biddle, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Butler, Carothers, Coburn, Curry, Davis, Dillard, Drake, Freeman, Gaston, Gray, Grayson, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Holley, Johnson (RG), Johnson (RW), Kvalheim, Layson, Marks, Mathis, McClain, McDowell, Moon, Newton, Parker, Perdue, Petelos, Rogers, Spratt, Starkey, Thomas, White (L) and Wright.

—48

Nay: Rep. Payne.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 192. To provide for the appointment of a Chief Deputy Tax Collector by the elected Jefferson County Assistant Tax Collector, Bessemer Division, and to provide for compensation, funding and qualifications of said Chief Deputy.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 1.

Yeas:

Mr. Speaker, Biddle, Black, Blakeney, Bowling, Brooks, Bryant, Buskey (JL), Carothers, Coburn, Curry, Davis, Dillard, Drake, Freeman, Gray, Grayson, Hall, Hammett, Haynes, Headley, Higginbotham, Holley, Johnson (RG), Kennedy, Layson, Marks, Mathis, McClain, McDowell, McKee, Moon, Newton, Parker, Perdue, Petelos, Reed, Rogers, Spratt, Starkey, Thomas, Turnham, Venable, White (L), Williams, Willis and Wright.

—47

Nay: Rep. Payne.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 195. To amend Act No. 453 of the 1967 Regular Session of the Legislature of Alabama, (1967 Acts of Alabama, page 1129), as amended by Act No. 393 of the 1975 Regular Session of the Legislature of Alabama, said acts providing a pension and relief fund for officers and employees of the library board of any city having a population of three hundred thousand or more according to the last and any subsequent federal census, said act applicable to the officers and employees of the Birmingham Public Library System, to provide for the participation of the employees of the library board who are currently entitled to participate in the unclassified pension relief plan of the City of Birmingham to participate in the Birmingham Library Board Employees Pension and Relief Fund and to provide for related matters.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Butler, Carothers, Coburn, Crow, Curry, Davis, Drake, Freeman, Gaston, Gray, Grayson, Hall, Hamilton, Hammett, Harper, Haynes, Higginbotham, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Layson, Marks, Mathis, McClain, McDowell, McKee, Newton, Parker, Payne, Perdue, Petelos, Rogers, Spratt, Starkey, Thomas, Turnham, Venable, White (G), White (L), Williams, Willis and Wright.

—56

And the bill:

H. 196. To amend section 11-52-32 of the Code of Alabama 1975 relating to planning, zoning and subdivisions, so as to provide further for the planning commissions of Class 1 municipalities to elect no less than three and no more than five of the members thereof to serve as a committee to approve or disapprove any plat presented to such commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Butler, Carothers, Coburn, Curry, Davis, Dillard, Drake, Frazier, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Kennedy, Kvalheim, Layson, Marks, Mathis, McClain, McDowell, McKee, Moon, Newton, Parker, Payne, Perdue, Petelos, Rogers, Starkey, Thomas, Turnham, Venable, White (G), White (L), Williams, Willis and Wright.

—62

And the bill:

H. 197. To amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended, which created a retirement system for officers and employees in cities of two hundred thousand or more inhabitants according to the latest federal decennial census, so as to provide further for the payments of benefits during periods of re-employment.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Butler, Carothers, Coburn, Curry, Davis, Dillard, Drake, Gaston, Grayson, Grouby, Hamilton, Harper, Harvey, Headley, Hill, Holley, Johnson (RW), Kennedy, Knight, Kvalheim, Marks, Mathis, McClain, McKee, Newton, Parker, Payne, Perdue, Petelos, Rogers, Spratt, Starkey, Thomas, Turnham, Venable, White (L), Williams, Willis and Wright.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 228. To amend Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, approved September 18, 1973, as amended, to provide for the participation of the unclassified employees of the City of Birmingham in the retirement and relief system of the City of Birmingham and to provide for related matters.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Butler, Carothers, Coburn, Curry, Davis, Dillard, Drake, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Marks, Mathis, McClain, McDowell, McKee, Newton, Parker, Penry, Perdue, Petelos, Rogers, Spratt, Starkey, Thomas, Turnham, Walker, White (L), Willis and Wright.

—56

And the bill:

H. 229. Relating to Jefferson County; to amend Article VI of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), relating to the extraordinary disability benefits of the City of Birmingham Retirement and Relief System, so as to provide that extraordinary disability benefits shall not be paid to any participant who joins the system on or after January 1, 1989, during any period that a disabled participant is able to perform other duties in his job classification or the customary duties of another job with that participant's employer, which duties or job has been offered to participant and which job pays a salary or wage equal to or greater than the salary or wage such participant was earning at the time of the incident causing the disability, and to provide that, for injuries occurring after January 1, 1989, the Board of Managers may waive the one-year limitation and grant an application for extraordinary disability allowance if granted within thirty-six months after the incident resulting in such disability.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Butler, Carothers, Coburn, Curry, Davis, Dillard, Drake, Faulk, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Marks, Mathis, McClain, McDowell, McKee, Newton, Parker, Penry, Perdue, Petelos, Poole, Rains, Reed, Rogers, Seibels, Spratt, Starkey, Thomas, Turnham, Walker, White (L), Williams, Willis and Wright.

—66

And the bill:

H. 297. To propose an amendment to the Constitution of Alabama of 1901, to empower the legislature from time to time by local act to authorize or require the Jefferson County Commission to prohibit the overgrowth of weeds and the storage and accumulation of certain junk, motor vehicles and litter and to provide for the implementation, administration and enforcement of said prohibition and the assessment of certain criminal penalties; and to also provide for the validation of certain acts.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Campbell, Carothers, Carter, Crow, Curry, Davis, Dillard, Faulk, Flowers, Ford, Freeman, Gaston, Gray, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hogan, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Layson, Marks, Mathis, McClain, McDowell, McKee, Newton, Parker, Payne, Perdue, Petelos, Poole, Rains, Reed, Rogers, Seibels, Spratt, Starkey, Thomas, Turner, Turnham, Walker, White (F), White (G), White (L), Willis and Wright.

—64

And the bill:

H. 301. Relating to counties having a population excess of 500,000 according to the most recent federal decennial census; to amend Section 1 of Act No. 81-752, H. 33, 1981 Regular Session, which relates to the compensation of certain election officials so as to increase their compensation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 1.

Yeas:

Mr. Speaker, Beers, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Carothers, Carter, Coburn, Crow, Curry, Davis, Dillard, Drake, Ford, Freeman, Gaston, Gray, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Marks, Mathis, McClain, McDowell, McKee, Newton, Parker, Penry, Perdue, Petelos, Reed, Rogers, Spratt, Starkey, Turnham, Venable, Walker, White (L), Willis and Wright.

—56

Nay: Rep. Payne.

—1

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Payne offered the motion to reconsider the vote by which the bill, H. 197, was passed, and the motion to reconsider was adopted.

AMENDMENT OFFERED

Rep. Payne offered the following amendment to the bill, H. 197:

Amend House Bill 197, page 2 by deleting Section 3 and inserting a new section 3 to read as follows:

Section 3. The rights granted herein to City employees and officers shall also be granted hereby to employees and officers of Jefferson County, Alabama, to the full extent such rights can lawfully be granted in this act.

Further amend by adding a new section 4 to read as follows:

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Amend further by adding a new section 5 to read as follows:

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Box, Breedlove, Britnell, Brooks, Bryant, Carothers, Crow, Curry, Davis, Dillard, Ford, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Hooper, Kennedy, Kvalheim, Laird, Marks, Mathis, McClain, McDowell, McMillan, Mikell, Newton, Parker, Payne, Penry, Perdue, Petelos, Reed, Rogers, Seibels, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (L), Willis and Wright.

—55

And the bill, H. 197 as thus amended, was again read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Box, Breedlove, Brooks, Bryant, Carothers, Crow, Curry, Davis, Dillard, Gaston, Gray, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Marks, McClain, Mikell, Newton, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Rogers, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (L), Willis, Wright and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 312. Relating to Jefferson County; to provide for a county supplemental salary for any full-time court referee or full-time standing master in an amount equal to fifty percent (50%) of the county supplemental salary payable to their respective appointing judges, to be paid from the general fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JL), Crow, Curry, Davis, Dillard, Freeman, Gaston,

Hall, Hamilton, Hammett, Harper, Headley, Higginbotham, Hill, Hogan, Hooper, Kennedy, Knight, Kvalheim, Marks, McClain, McDowell, Mikell, Newton, Parker, Payne, Penry, Perdue, Poole, Rains, Reed, Rogers, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (L), Willis and Wright.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 9. Relating to Lawrence County, providing for an advisory referendum election relating to the manner of electing the members of the county commission.

Was read a third time at length and passed.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JL), Carothers, Freeman, Gaston, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Marks, Mathis, Mikell, Newton, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Seibels, Spratt, Starkey, Turner, Turnham, Venable, Walker, White (L), Willis and Wright.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 66. Relating to Lamar County, amending Act No. 82-114, H. 522, 1982 Regular Session, which provided for the compensation of certain county officials, so as to increase the compensation of members of the board of registrars.

Was read a third time at length and passed.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JL), Carothers, Curry, Dillard, Faulk, Freeman, Gaston, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Layson, Logan, Marks, Mathis, Mikell, Newman, Parker, Penry, Petelos, Poole, Reed, Richardson, Starkey, Turner, Turnham, Walker, White (L), Willis and Wright.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 67. Relating to Lamar County, amending Act No. 82-114, H. 522, 1982 Regular Session, which provided for the compensation of certain county officials, so as to increase the compensation of members of the board of registrars.

Was read a third time at length and passed.

Yeas 49; Nays 0.

Yeas:

Reps. Beasley, Beers, Biddle, Black, Bowling, Box, Breedlove, Britnell, Brooks, Buskey (JL), Carothers, Curry, Dillard, Faulk, Flowers, Gaston, Grouby, Hamilton, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RW), Junkins, Knight, Kvalheim, Laird, Logan, Marks, Mathis, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Starkey, Turner, Turnham, Walker, White (L), Willis, Wright and Zoghyby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 160. Relating to Marengo County; to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain postal cost reimbursement plus a fee not to exceed \$1.00 pursuant to such system of renewal of motor vehicle licenses by mail; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of licenses by the probate judge's office; and to transfer certain duties now performed by the revenue commissioner to said probate office.

Was read a third time at length and passed.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Carothers, Carter, Dillard, Faulk, Freeman, Gaston, Grouby, Hall, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Logan, Marks,

Mathis, McMillan, Mikell, Moon, Parker, Payne, Penry, Petelos, Rains, Seibels, Turner, Turnham, Walker and White (L).

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 259. Relating to Lee County; levying a lodging tax, providing for the collection and distribution of said tax, and establishing the "Auburn-Opelika Convention and Visitors Bureau."

Was taken up.

AMENDMENT OFFERED

Rep. Turnham offered the following amendment to the bill, H. 259:

Amend H. B. 259, Section 7, Page 4, line 18 by adding after the word member the following: The Executive Director of the Auburn Chamber of Commerce and the Executive Director of the Opelika Chamber of Commerce shall serve as ex-officio members.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Box, Breedlove, Britnell, Brooks, Bryant, Carter, Curry, Dillard, Flowers, Freeman, Gaston, Grouby, Hall, Hamilton, Harper, Headley, Higginbotham, Hill, Holley, Hooper, Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Logan, Marks, McMillan, Moon, Parker, Payne, Penry, Petelos, Rains, Seibels, Starkey, Thomas, Turnham, Walker, White (L) and Willis.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 259 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Carter, Curry, Dillard, Flowers, Freeman, Gaston, Grouby,

Hall, Hamilton, Harvey, Headley, Higginbotham, Hill, Junkins, Kennedy, Knight, Kvalheim, Logan, McMillan, Mikell, Moon, Newton, Parker, Payne, Penry, Rains, Spratt, Starkey, Thomas, Turner, Turnham, Walker and White (L).

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 309. Relating to Perry County; authorizing the county commission to levy an additional ad valorem tax in said county to be used for general purposes and providing for a referendum.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Carothers, Carter, Curry, Dillard, Faulk, Freeman, Grayson, Hall, Hamilton, Headley, Higginbotham, Hill, Junkins, Kennedy, Logan, Marks, Mathis, Moon, Newton, Parker, Payne, Penry, Petelos, Seibels, Spratt, Starkey, Walker, White (L) and Wright.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 321. Authorizing the probate judge of Perry County to have a chief clerk and two additional clerks to assist the probate judge of Perry County in the performance of his duties and to provide for retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JL), Carothers, Dillard, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Harper, Harvey, Headley, Higginbotham, Hill, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Layson, Logan, Marks, Mathis, Mikell, Moon, Newton, Parker, Payne, Penry, Spratt, Starkey, Thomas, Turner, Walker, White (L) and Willis.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 322. Authorizing the county commission of Perry County to provide for a chief clerk and not more than two additional clerks to assist the county commission of Perry County in the performance of its duties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Carothers, Carter, Dillard, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Harvey, Headley, Higginbotham, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Layson, Marks, Mathis, McClain, McMillan, Moon, Newton, Parker, Payne, Penry, Spratt, Starkey, Thomas, Turner, Walker, White (L) and Willis.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 324. Relating to the City of Gadsden, in Etowah County, amending Section 14 of Act No. 671, H. 921 of the 1951 Regular Session (Acts 1951, Vol. II, p. 1158), as amended by Act No. 88-434, H. 59, 1988 Regular Session, which creates and establishes, within certain cities classified on a population basis, a civil service system to govern the appointment, tenure, compensation, conditions of employment and removal of certain officers and employees of such cities, so as to provide further for the meetings of the civil service board.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JL), Carothers, Carter, Curry, Dillard, Ford, Freeman, Gaston, Grayson, Hall, Hamilton, Harvey, Headley, Higginbotham, Hill, Hooper, Johnson (RG), Junkins, Kennedy, Knight, Kvalheim, Layson, Marks, Mathis, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Petelos, Spratt, Thomas, Walker, White (L) and Willis.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 326. Relating to Clay County, repealing Act No. 88-426, H. 938, enacted in the Regular Session of 1988, allowing the Clay County Health Department to set fees for service.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Carothers, Carter, Dillard, Faulk, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Headley, Higginbotham, Hill, Hooper, Johnson (RG), Kennedy, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Poole, Spratt, Thomas, Turner, Venable, Walker, White (L), Willis and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 330. Relating to Barbour County; providing further for the funding of the offices of the tax assessor and tax collector.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bugg, Buskey (JL), Carter, Curry, Davis, Dillard, Faulk, Gaston, Grouby, Hamilton, Harper, Higginbotham, Hill, Hooper, Kennedy, Knight, Kvalheim, Layson, Logan, Marks, Mathis, McClain, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Spratt, Thomas, Venable, Walker, White (L), Willis, Wright and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Carothers, the rules were suspended in order to take up out of order the bill, H. 315.

And the bill:

H. 315. To amend Sections 1.03, 3.02, 3.14, 4.01, 4.02, 6.02 and 10.01 of Act No. 88-445, H. 963 of the 1988 Regular Session appearing in Article 1 of Chapter 44E of Title 11, Code of Alabama 1975, providing for a Mayor/Commission/City Manager form of government for Class 5 municipalities upon adoption by a municipality, so as to further provide for said form of government for Class 5 municipalities.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 1.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Carothers, Carter, Curry, Dillard, Faulk, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hamilton, Harper, Harvey, Headley, Higginbotham, Hill, Holley, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Laird, Logan, Marks, Mathis, McMillan, Mikell, Moon, Newman, Newton, Payne, Penry, Petelos, Poole, Rains, Richardson, Seibels, Spratt, Thomas, Turner, Venable, Walker, White (L), Willis, Wright and Zoghby.

—61

Nay: Rep. Parker.

—1

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Reed:

H. R. 123. COMMENDING MRS. REBECCA HOLBERT FOR DISTINGUISHED SERVICE TO THE AUTAUGA COUNTY PUBLIC SCHOOL SYSTEM.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Starkey, the rules were suspended in order to take up out of order the bill, H. 16.

And the bill:

H. 16. To amend Section 37-1-47 of the Code of Alabama 1975, relating to Public Service Commission intervention in certain federal proceedings, so as to provide further for participation in federal proceedings by the Public Service Commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JL), Carothers, Carter, Coburn, Curry, Davis, Drake, Faulk, Freeman, Gaston, Hall, Hamilton, Harvey, Haynes, Headley, Higginbotham, Hill, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McClain, McDowell, McMillan, Mikell, Moon, Newman, Newton, Parker, Penry, Petelos, Rains, Richardson, Rogers, Seibels, Spratt, Starkey, Thomas, Turner, White (L), Willis, Wright and Zoghby.

—60

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Hogan, the rules were suspended in order to take up out of order the bill, H. 224.

H. 224 CARRIED OVER

On motion of Rep. Hogan, the bill, H. 224, was temporarily carried over.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Ford, the rules were suspended in order to take up out of order the bill, H. 96.

And the bill:

H. 96. To amend sections 16-33B-1, 16-33B-3 and 16-33B-4, Code of Alabama 1975, relating to the Alabama guaranteed student loan program, so as to define approved lender, student loans, Federal Student Loan Law and eligible institution; to provide program administration in accordance with the Federal Student Loan Law; to provide for basic powers and duties of the Alabama Commission on Higher Education in accordance with the Federal Student Loan Law; to promote the availability of the Alabama guaranteed student loan program; and to service loans.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Faulk, Ford, Freeman, Grayson, Grouby, Hall, Haynes, Headley, Hill, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Poole, Reed, Richardson, Rogers, Seibels, Starkey, Thomas, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—65

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 19. Relating to Barbour County, providing for an increase in certain court costs and providing for the disposition of the proceeds from the increase.

McDOWELL LEE,
Secretary.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Mathis, the rules were suspended in order to take up out of order the bill, H. 7.

And the bill:

H. 7. Proposing an amendment to the Constitution of 1901, as amended, relating to the legislative process for considering the major appropriations bills for the operations of education, the operations of the executive, legislative and judicial branches of state government, the state public debt, and the other business of state government and setting a time frame therefor; and repealing Amendment No. 448 to the Constitution of 1901, as amended, Act No. 81-889, S. 32, First Special Session 1981 (Acts 1981, First, Second and Third Special Sessions, p. 25) relating to the legislative process for certain appropriations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 6.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Davis, Faulk, Gaston, Gray, Grayson, Grouby, Hamilton, Harvey, Haynes, Higginbotham, Holley, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Marietta, Marks, Mathis, McClain, McDowell, Mikell, Moon, Newman, Newton, Penry, Perdue, Poole, Reed, Richardson, Rogers, Spratt, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Wright and Zoghby.

—65

Nays: Reps. Coburn, Frazier, Hill, McMillan, Payne and Willis.

—6

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Perdue, the rules were suspended in order to take up out of order the bill, H. 208.

And the bill:

H. 208. To authorize the State Board of Health to designate the services rendered by the State and County Health Departments for which fees may be charged and provides for the distribution of the fees.

Was taken up.

SUBSTITUTE OFFERED

Rep. Perdue offered the following substitute to the bill, H. 208:

A BILL
TO BE ENTITLED
AN ACT

To authorize the State Board of Health to designate the services rendered by the State and County Health Departments for which fees may be charged and provides for the distribution of the fees.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The State Board of Health shall designate the services rendered by the State and County Health Departments for which fees may be charged and shall set the fee to be charged for each service. Any fees to be charged under the authority of this Act by the County Health Department shall be subject to approval by the respective County Commission prior to implementation. The County Commission may waive by Resolution the authority to approve said fees to be charged by the County Health Department. The Health Departments shall then be authorized to charge and collect such fees. All fees collected shall be in addition to any and all federal, state and local appropriations. Any fees collected shall be processed in accordance with the recommendations of the State Examiners of Public Accounts.

Section 2. No person shall be denied any service because that person is indigent. The Health Department may establish a sliding fee scale based on one's ability to pay.

Section 3. This Act shall not apply to nor affect any fees otherwise authorized, set or collected under state or federal law or regulation.

Section 4. All fees collected by the Local Health Departments pursuant to this Act shall be deposited directly to the general funds of the counties in which the respective health departments are located, and said fees are hereby appropriated to the use of the respective health departments which collected such fees. All other fees collected by the State Health Department, unless otherwise specified, shall be deposited in the State Treasury to the credit of the State Board of Health and are hereby appropriated for the purpose of carrying out the provisions of the Public Health Laws.

Section 5. The effect of this Act on County Health Departments shall be permissive only, and each County Health Department may determine, in the exercise of its discretion, whether to use the authority granted by this Act to charge fees for services. This Act shall not be deemed an Act which precludes the subsequent right of the legislature to enact local Acts applicable only to fees charged by a particular County Health Department. This Act shall be construed not to repeal or conflict with any local Act relating to fees charged for any services by a County Health Department that was heretofore enacted or that may be enacted at the session of the legislature at which this Act is enacted.

Section 6. The provisions of this Act are severable. If any part of this Act is declared to be invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO CARRY OVER

Rep. Frazier offered the motion to carry over the bill, H. 208, and the pending substitute, to the eighth legislative day.

MOTION TO TABLE LOST

The motion offered by Rep. Perdue to table the motion to carry over offered by Rep. Frazier, was lost.

Yeas 33; Nays 34.

Yeas:

Mr. Speaker, Beasley, Beers, Bowling, Box, Breedlove, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Davis, Dillard, Flowers, Grayson, Hammett, Harper, Harvey, Hill, Johnson (RW), Junkins, Kennedy, Lindsey, Marks, Mathis, McDowell, Mikell, Petelos, Richardson, Turner, Turnham and White (G).

—33

Nays:

Reps. Biddle, Britnell, Brooks, Crow, Curry, Ford, Frazier, Freeman, Grouby, Hall, Hamilton, Haynes, Higginbotham, Holley, Knight, Kvalheim, Laird, Layson, Marietta, McMillan, Moon, Newman, Newton, Payne, Perdue, Poole, Rains, Spratt, Thomas, Venable, Warren, White (L), Willis and Wright.

—34

The question was again on the motion offered by Rep. Frazier to carry over the bill, H. 208, and the pending substitute to the eighth legislative day.

MOTION TO CARRY OVER INDEFINITELY POSTPONED

On motion of Rep. Perdue, the motion offered by Rep. Frazier to carry over the bill, H. 208, and the pending substitute to the eighth legislative day, was indefinitely postponed.

Yeas 42; Nays 28.

Yeas:

Mr. Speaker, Beasley, Beers, Box, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Davis, Dillard, Escott, Faulk, Grayson, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Lindsey, Marks, Mathis, McDowell, McMillan, Parker, Perdue, Petelos, Reed, Richardson, Rogers, Thomas, Turnham and White (G).

—42

Nays:

Reps. Biddle, Bowling, Brooks, Bryant, Crow, Curry, Ford, Frazier, Freeman, Grouby, Hall, Hogan, Holley, Junkins, Laird, Layson, Moon, Newman, Payne,

Poole, Rains, Seibels, Turner, Venable, Warren, White (F), White (L) and Willis.

—28

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Perdue to the bill, H. 208, and the substitute was adopted.

Yeas 44; Nays 22.

Yeas:

Mr. Speaker, Beasley, Blake, Box, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Davis, Dillard, Faulk, Ford, Gaston, Hammett, Harvey, Headley, Higginbotham, Hill, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Lindsey, Marks, Mathis, McDowell, McMillan, Mikell, Newton, Parker, Penry, Perdue, Petelos, Reed, Rogers, Spratt, Starkey, Turnham and White (G).

—44

Nays:

Reps. Beers, Bowling, Brooks, Crow, Curry, Freeman, Grouby, Hall, Haynes, Holley, Laird, Layson, Moon, Newman, Payne, Rains, Seibels, Turner, Warren, White (F), White (L) and Willis.

—22

AMENDMENT OFFERED

Rep. Davis offered the following amendment to the bill, H. 208 as amended:

Amend HB-208. as substituted, page 2, line 1, after the period by adding the following:

No person shall be charged a fee for medical services if they are at or below 100 percent of the federal poverty level.

H. 208 TEMPORARILY CARRIED OVER

On motion of Rep. Perdue, the bill, H. 208 as amended, and the pending amendment were temporarily carried over.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 20. Relating to Barbour County, providing an expense allowance for the circuit judge, district attorney, district judge and circuit clerk, and to provide for the funding of said allowance.

Also:

H. 87. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Decatur, in Morgan County.

Also:

H. 89. Relating to Crenshaw County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Crenshaw County; repealing conflicting laws; and prescribing the effective date of this act.

Also:

H. 123. To authorize the county commission of Russell County, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Russell County, on all taxable property situated within said county, an ad valorem tax for public buildings, bridges or roads by an amount which shall not exceed, for any tax year of said county, \$.65 on each one hundred dollars (6-1/2 mills on each dollar) of assessed value and to provide for a referendum.

Also:

H. 91. Relating to the City of Tuscaloosa, Tuscaloosa County, fire-fighters, so as to establish longevity pay in addition to compensation and the manner of such payments.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 235. Relating to Lawrence County, providing for an advisory referendum election relating to the manner of electing the members of the county commission.

Also:

H. 242. To alter or rearrange the boundary lines of the City of Andalusia, Covington County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Covington County, Alabama.

Also:

H. 243. Relating to Covington County; providing for the collection of municipal and/or county vehicle use tax on vehicles purchased from out-of-state dealers or Alabama dealers who failed to collect municipal and/or county sales taxes at the time of sale; and providing for the disposition of the proceeds.

Also:

H. 269. Relating to Talladega County; to provide for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

Also:

H. 281. Relating to Dale County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Dale County; repealing conflicting laws; and prescribing the effective date of this act.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 92. Relating to Crenshaw County; to provide for the election of the county superintendent and for the filling of unexpired terms of office resulting from vacancies; subject to the approval of a majority of the qualified electors of Crenshaw County voting thereon at a referendum election.

Also:

H. 93. Relating to Tuscaloosa County and the Firemen's and Policemen's Pension and Relief Fund for the City of Tuscaloosa, further amending Act No. 328, H. 854, 1959 Regular Session, providing for an increase in the amount to be deducted from the salary of each fireman and policeman, increasing the amount to be paid into the fund out of the treasury of city by the governing body of the city and to change the requirements relating to the signing of warrants or checks for payment of amounts from the fund.

Also:

H. 102. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sylacauga, in Talladega County.

Also:

H. 122. To propose a self-executing amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Crenshaw County.

Also:

H. 127. Relating to Coffee County, to provide for the salary of the Probate Judge, the Revenue Commissioner and the Sheriff.

Also:

H. 129. Relating to Coffee County, to designate the bridge over White Water Creek on Highway 167 the Clowers Bridge and to provide for the preparation and erection of signs.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 168. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

Also:

H. 169. Relating to Morgan County; authorizing and empowering the Morgan County commission and the governing bodies of the incorporated municipalities in such county to regulate and control through the issuance of permits the location of rock quarry blasting operations within the county.

Also:

H. 182. Relating to Baldwin County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fairhope in Baldwin County.

Also:

H. 189. Relating to Talladega County, requiring the inspection of all asphalt plants eligible to bid on the sale of asphalt plant mix to the county or any municipality within the county by the highway department.

Also:

H. 193. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

Also:

H. 225. To propose an amendment to the Constitution of Alabama of 1901, relating to fire protection districts in Washington County, so as to provide that such coverage includes individuals serving as foster parents approved by the Department of Human Resources.

McDOWELL LEE,
Secretary.

BILLS ON THIRD READING RESUMED

And the bill:

H. 224. To amend Section 36-1-6.1 of the Code of Alabama 1975, relating to insurance coverage for state employees or agents of the state, so as to provide that such coverage includes individuals serving as foster parents approved by the Department of Human Resources.

Which previously was temporarily carried over, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Bowling, Box, Breedlove, Brooks, Bryant, Buskey (JL), Butler, Carothers, Carter, Crow, Curry, Dillard, Faulk, Flowers,

Ford, Frazier, Gaston, Gray, Grayson, Hammett, Haynes, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Layson, Lindsey, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newton, Parker, Payne, Penry, Poole, Rains, Reed, Richardson, Seibels, Starkey, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Willis and Zoghby.

—59

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Kennedy, the rules were suspended in order to take up out of order the bill, H. 139.

And the bill:

H. 139. To authorize the department of human resources to remove certain items of fully depreciated state property which have little or no resale or reuse value to the state from state property inventory by transferring title and ownership of same to purchase of service contractors who will continue to utilize those items in providing needed services to clients of the department of human resources.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 11.

Yeas:

Mr. Speaker, Beasley, Black, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Carter, Clark (W), Curry, Davis, Dillard, Faulk, Frazier, Fuller, Gaston, Grayson, Grouby, Hamilton, Haynes, Hill, Hogan, Kennedy, Knight, Kvalheim, Layson, Logan, Marietta, Marks, McClain, McDowell, McKee, Melton, Mikell, Newman, Newton, Perdue, Petelos, Reed, Rogers, Spratt, Thomas, Turnham, Warren, White (F), White (L) and Zoghby.

—50

Nays:

Reps. Adams, Beers, Freeman, Gray, Hall, Hammett, Holley, Johnson (RW), Payne, Poole and Rains.

—11

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 85. COMMENDING THE ONEONTA HIGH SCHOOL GIRLS' VOLLEYBALL TEAM ON THEIR OUTSTANDING 1988 SEASON.

Also:

H. J. R. 86. MOURNING THE DEATH OF ANNA LOUISE MORRISS STAPLES OF MOBILE, ALABAMA.

Also:

H. J. R. 87. MOURNING THE DEATH OF JAMES E. MOORE, JR., OF BESSEMER, ALABAMA.

Also:

H. J. R. 88. NAMING THE BRIDGE ON STATE HIGHWAY 52, BETWEEN THE CITIES OF SLOCOMB AND HARTFORD, AND CROSSING HURRICANE CREEK, IN MEMORY AND HONOR OF JESSIE THOMPSON FONDREN, JR.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 29. To make a supplemental appropriation of \$1,000,000 from the Alabama Special Educational Trust Fund to the Alabama Commission on Higher Education for the EPSCoR program for the fiscal year ending September 30, 1988.

Also:

H. 32. To make an appropriation of \$115,000 from the Alabama Special Educational Trust Fund to the League for the Advancement of Education for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE,
Secretary.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Hooper, the rules were suspended in order to take up out of order the bill, H. 137.

H. 137 CARRIED OVER

On motion of Rep. Hooper, the bill, H. 137, was temporarily carried over.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 19. Relating to Barbour County, providing for an increase in certain court costs and providing for the disposition of the proceeds from the increase.

Also:

H. 20. Relating to Barbour County, providing an expense allowance for the circuit judge, district attorney, district judge and circuit clerk, and to provide for the funding of said allowance.

Also:

H. 87. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Decatur, in Morgan County.

Also:

H. 89. Relating to Crenshaw County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Crenshaw County; repealing conflicting laws; and prescribing the effective date of this act.

Also:

H. 91. Relating to the City of Tuscaloosa, Tuscaloosa County, fire-fighters, so as to establish longevity pay in addition to compensation and the manner of such payments.

Also:

H. 123. To authorize the county commission of Russell County, acting pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Russell County, on all taxable property situated within said county, an ad valorem tax for public buildings, bridges or roads by an amount which shall not exceed, for any tax year of said county, \$.65 on each one hundred dollars (6-1/2 mills on each dollar) of assessed value and to provide for a referendum.

Also:

H. 235. Relating to Lawrence County, providing for an advisory referendum election relating to the manner of electing the members of the county commission.

Also:

H. 242. To alter or rearrange the boundary lines of the City of Andalusia, Covington County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Covington County, Alabama.

Also:

H. 243. Relating to Covington County; providing for the collection of municipal and/or county vehicle use tax on vehicles purchased from out-of-state dealers or Alabama dealers who failed to collect municipal and/or county sales taxes at the time of sale; and providing for the disposition of the proceeds.

Also:

H. 269. Relating to Talladega County; to provide for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

Also:

H. 281. Relating to Dale County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under

the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Dale County; repealing conflicting laws; and prescribing the effective date of this act.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker Pro Tem of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 92. Relating to Crenshaw County; to provide for the election of the county superintendent and for the filling of unexpired terms of office resulting from vacancies; subject to the approval of a majority of the qualified electors of Crenshaw County voting thereon at a referendum election.

Also:

H. 93. Relating to Tuscaloosa County and the Firemen's and Police-men's Pension and Relief Fund for the City of Tuscaloosa, further amending Act No. 328, H. 854, 1959 Regular Session, providing for an increase in the amount to be deducted from the salary of each fireman and policeman, increasing the amount to be paid into the fund out of the treasury of city by the governing body of the city and to change the requirements relating to the signing of warrants or checks for payment of amounts from the fund.

Also:

H. 102. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sylacauga, in Talladega County.

Also:

H. 127. Relating to Coffee County, to provide for the salary of the Probate Judge, the Revenue Commissioner and the Sheriff.

Also:

H. 129. Relating to Coffee County, to designate the bridge over White Water Creek on Highway 167 the Clowers Bridge and to provide for the preparation and erection of signs.

Also:

H. 168. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

Also:

H. 169. Relating to Morgan County; authorizing and empowering the Morgan County commission and the governing bodies of the incorporated municipalities in such county to regulate and control through the issuance of permits the location of rock quarry blasting operations within the county.

Also:

H. 182. Relating to Baldwin County; to alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fairhope in Baldwin County.

Also:

H. 189. Relating to Talladega County, requiring the inspection of all asphalt plants eligible to bid on the sale of asphalt plant mix to the county or any municipality within the county by the highway department.

Also:

H. 193. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker Pro Tem of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 122. To propose a self-executing amendment to the Constitution of Alabama of 1901 relative to the compensation of the judge of probate of Crenshaw County.

Also:

H. 225. To propose an amendment to the Constitution of Alabama of 1901, relating to fire protection districts in Washington County, so as to provide for the levy and collection of certain additional property tax for fire protection in said county.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker Pro Tem of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Zoghby, the rules were suspended in order to take up out of order the bill, H. 77.

MOTION TO ADJOURN

Rep. Frazier offered the motion that the House adjourn until 12:00 o'clock noon, Thursday, September 8, 1988.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Turner that the House adjourn until 10:00 o'clock a.m., Thursday, September 8, 1988, was lost.

Yeas 3; Nays 76.

Yeas: Reps. Biddle, Gray and Walker.

—3

Nays:

Reps. Adams, Beasley, Beers, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Cosby, Crow, Curry, Dillard, Faulk, Flowers, Frazier, Freeman, Fuller, Gaston, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McClain, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Seibels, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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MOTION TO ADJOURN LOST

The question was then on the motion offered by Rep. Frazier that the House adjourn until 12:00 o'clock noon, Thursday, September 8, 1988, was lost.

Yeas 5; Nays 74.

Yeas: Reps. Biddle, Black, Bowling, Frazier and Gray.

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Nays:

Mr. Speaker, Adams, Beasley, Beers, Blake, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Crow, Curry, Davis, Dillard, Faulk, Flowers, Freeman, Fuller, Gaston, Grouby, Hall, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, Melton, Mikell, Moon, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains,

Rogers, Seibels, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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H. 77 RESUMED

And the bill:

H. 77. This bill amends §16-8-3 and §16-8-4, Code of Alabama, 1975, relating to the scheduling of regular meetings and annual public meetings of county boards of education.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Curry, Dillard, Frazier, Freeman, Gaston, Grouby, Hall, Hamilton, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Perdue, Petelos, Poole, Rains, Reed, Starkey, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Wright and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 10. To require the state department of human resources to charge a fee in the amount of \$1,000.00 to be assessed as costs against the petitioners for investigation services performed in certain independent cases involving adoption; and to require that said fees shall be deposited in the state treasury to the credit of state general fund.

Also:

H. 11. To require the state department of human resources to charge a fee at a certain hourly rate to be assessed as costs against the parties for investigation services performed in cases involving divorce or divorce modifications, and to require that said fees shall be deposited in the state treasury to the credit of the state general fund.

McDOWELL LEE,
Secretary.

MOTION TO SUSPEND RULES

Rep. Harper offered the motion to suspend the rules in order to take up out of order the bill, H. 46.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to-wit:

H. 29. To make a supplemental appropriation of \$1,000,000 from the Alabama Special Educational Trust Fund to the Alabama Commission on Higher Education for the EPSCoR program for the fiscal year ending September 30, 1988.

Also:

H. 32. To make an appropriation of \$115,000 from the Alabama Special Educational Trust Fund to the League for the Advancement of Education for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. J. R. 85. COMMENDING THE ONEONTA HIGH SCHOOL GIRLS' VOLLEYBALL TEAM ON THEIR OUTSTANDING 1988 SEASON.

Also:

H. J. R. 86. MOURNING THE DEATH OF ANNA LOUISE MORRISS STAPLES OF MOBILE, ALABAMA.

Also:

H. J. R. 87. MOURNING THE DEATH OF JAMES E. MOORE, JR., OF BESSEMER, ALABAMA.

Also:

H. J. R. 88. NAMING THE BRIDGE ON STATE HIGHWAY 52, BETWEEN THE CITIES OF SLOCOMB AND HARTFORD, AND CROSSING HURRICANE CREEK, IN MEMORY AND HONOR OF JESSIE THOMPSON FONDREN, JR.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker Pro Tem of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 10. To require the state department of human resources to charge a fee in the amount of \$1,000.00 to be assessed as costs against the petitioners for investigation services performed in certain independent cases involving adoption; and to require that said fees shall be deposited in the state treasury to the credit of state general fund.

Also:

H. 11. To require the state department of human resources to charge a fee at a certain hourly rate to be assessed as costs against the parties for investigation services performed in cases involving divorce or divorce modifications, and to require that said fees shall be deposited in the state treasury to the credit of the state general fund.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker Pro Tem of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 26. To amend section 32-2-8, Code of Alabama 1975, relating to fees charged for copies of records of the Department of Public Safety, so as to increase the fee charged for a copy of any record in the files of the department of public safety.

Also:

H. 120. To amend section 8-6-3, Code of Alabama 1975, relating to registration of securities dealers and salesmen, so as to increase the fees for registration of dealers and salesmen and to make the fees nonrefundable.

Also:

H. 138. To provide that the alcoholic beverage control board shall under certain conditions audit and collect certain taxes on beer or table wine levied for the benefit of local governing bodies.

Also:

H. 147. To amend Section 35-12-38, Code of Alabama 1975, so as to permit stocks in custodial possession of the state to be sold through an

established stock exchange or over the counter at prevailing prices and to permit the redemption of government and corporate bonds that have reached maturity.

McDOWELL LEE,
Secretary.

LEAVE OF ABSENCE

At the request of Rep. White (G), leave of absence was granted for Rep. Slaughter.

RESOLUTIONS

The following resolution was introduced:

By Reps. Blake, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby:

H. J. R. 124. COMMENDING JEREMY LOWERY OF MARGARET, ALABAMA.

WHEREAS, Jeremy Lowery of Margaret, Alabama, is an eighteen-year-old sophomore at St. Clair County High School in Odenville where he plays tackle on the SCCHS football team; and

WHEREAS, at 518 pounds, Jeremy Lowery is the largest football player in the United States, and as such, has received nationwide publicity in articles appearing in a number of publications, including Sports Illustrated, The Birmingham News, St. Clair News Aegis, and U.S. News, among others; and

WHEREAS, Jeremy Lowery has attended school in St. Clair County since the first grade; it is his first year, however, to play football and he is indeed to be commended for having accepted the challenge of playing such a grueling and demanding sport at his weight which exceeds 500 pounds; and

WHEREAS, extremely well liked by his fellow team members, classmates and many friends, Jeremy also is enjoying the encouragement and support of all residents throughout St. Clair County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Jeremy Lowery of Margaret, Alabama, whom we wish every success in his football career and to whom a copy of this resolution shall be forwarded.

On motion of Rep. Blake, the rules were suspended and the resolution, H. J. R. 124, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Hammett:

H. R. 125. COMMENDING FOREST POWELL FOR DISTINGUISHED SERVICE TO THE TOWN OF SANFORD.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Holley, the rules were suspended in order to take up out of order the bill, H. 128.

And the bill:

H. 128. To further provide for the powers, functions and duties of the Alabama historical commission, so as to include designating, platting and cataloging all cemeteries, whether public or private, nonprofit or otherwise, within the state for historical purposes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Britnell, Bryant, Bugg, Buskey (JL), Carothers, Carter, Clark (W), Crow, Curry, Davis, Dillard, Faulk, Flowers, Ford, Frazier, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Penry, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Starkey, Turner, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 128:

Reps. Beers, Blake, Blakeney, Bryant, Clark (W), Curry, Davis, Dillard, Gray, Hall, Junkins, Lindsey, Marks, Mathis, McClain, McDowell, Melton, Moon, Newman, Perdue, Rains, Reed, Richardson, Rogers, Seibels, Starkey, White (G), Williams, Wright and Zoghby.

MOTION TO SUSPEND RULES

Rep. Layson offered the motion to suspend the rules in order to take up out of order the bill, H. 106.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joins Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 1:53 P.M. on September 7, 1988.

H. 28

H. 65

Delivered to the Governor at 3:50 P.M. on September 7, 1988.

H. 19

H. 92

H. 20

H. 93

H. 87

H. 102

H. 89

H. 127

H. 91

H. 129

H. 123

H. 168

H. 235

H. 169

H. 242

H. 182

H. 243

H. 189

H. 269

H. 193

H. 281

Delivered to the Secretary of State at 3:55 P.M. on September 7, 1988.

H. 122 (Constitutional Amendment)

H. 225 (Constitutional Amendment)

Delivered to the Governor at 4:15 P.M. on September 7, 1988.

H. 29

H. J. R. 87

H. 32

H. J. R. 88

H. J. R. 85

H. 10

H. J. R. 86

H. 11

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Gray, the House adjourned until 11:00 o'clock a.m., Thursday, September 8, 1988.

Yeas 45; Nays 26.

Yeas:

Reps. Adams, Beasley, Biddle, Black, Bowling, Brooks, Bryant, Buskey (JL), Carothers, Carter, Coburn, Crow, Curry, Dillard, Drake, Ford, Frazier, Freeman, Gray, Grayson, Hammett, Hill, Hogan, Holmes, Johnson (RW), Junkins, Knight, Logan, Marks, Mathis, McClain, Melton, Mikell, Moon, Newman,

Newton, Parker, Perdue, Rains, Seibels, Spratt, Starkey, Walker, Willis and Wright.

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Nays:

Mr. Speaker, Beers, Box, Bugg, Burke, Gaston, Hall, Harvey, Haynes, Holley, Hooper, Johnson (RG), Kvalheim, Laird, McMillan, Payne, Penry, Poole, Richardson, Turner, Turnham, Venable, Warren, White (F), White (G) and Zoghby.

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SEVENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, September 8, 1988

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Reginald Stokes, Pastor, Pleasant Grove Baptist Church, Pleasant Grove, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Greg Heard.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixth legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the sixth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the sixth legislative day was approved.

BILLS ON SECOND READING

Rep. Gaston, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 100. To amend Sections 40-6-1, 40-6-3 and 40-6-4, Code of Alabama 1975, relating to the compensation and benefits paid to supernumerary tax assessors, tax collectors, revenue commissioners, license commissioners or other elected officials charged with the assessment and/or collection of ad valorem taxes, so as to cover appointed ad valorem tax officials and provide for a surviving spouse benefit.

H. 342. To amend Act No. 88-475, H. 747, 1988 Regular Session, which act creates the Alabama Mental Health Finance Authority and provides for mental health projects of the Authority, and financing of such projects; so as to authorize the Authority to enter into any necessary financial instruments or obligations with the Retirement Systems of Alabama in order to secure financing for the funding of projects of the Authority; and to provide that tax proceeds derived from sections 40-2-1 and 40-25-41, Code of Alabama 1975, or any subsequent tobacco tax, shall be primarily pledged for the payment of principal and interest on any said financing agreement.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 107. To further regulate the advertising by dentists, and the fees of dentists for administering anesthesia intravenous sedation; and to further amend Sections 34-9-19, 34-9-60, 34-9-61, 34-9-63 and 34-9-64, Code of Alabama 1975, as amended, relating to fees and advertising, so as to further provide therefor.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 52. To amend Section 43-2-502 of the Code of Alabama 1975, relating to the filing of accounts by executors or administrators, so as to provide that the written evidence in the possession of an executor or administrator on which the executor or administrator relies to sustain the credit side of

the account may consist of an affidavit or any other legal evidence, in the discretion of the executor or administrator.

Rep. White (G), Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 172. (With Substitute): To authorize the Jefferson County Board of Health to designate services rendered by the health department under its control for which fees may be charged and to establish the appropriate fee for each service; to authorize the Jefferson County Board of Health to charge and collect fees for services designated pursuant to this act; to provide that all fees established and collected pursuant to this act shall be retained and used by the Jefferson County Board of Health; to provide that all fees established and collected pursuant to this act shall not replace, but shall supplement and be in addition to, any and all federal, state and local funds otherwise provided to the Jefferson County Board of Health; to provide conditions applicable to the establishment and modification of fees authorized pursuant to this act; to authorize the Jefferson County Board of Health to adopt and to alter rules and regulations for the implementation and administration of this act and to provide that fees charged pursuant to this act shall be established, modified and collected in accordance with such rules and regulations; to provide that fees for services shall not be charged to persons unable to pay and to provide for confidentiality in the determination of any person's ability to pay; and to repeal all laws or parts of laws in conflict with this act to the extent applicable to Jefferson County.

Rep. Marietta, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 291. (With Amendment): Relating to Mobile County; providing for the compensation and payment of salary of members of the county governing body.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 36. Relating to Talladega County, requiring the inspection of all asphalt plants eligible to bid on the sale of asphalt plant mix to the county or any municipality within the county by the highway department.

S. 38. Relating to Talladega County; to provide for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

H. 308. Relating to Perry County; authorizing the county commission to levy a one percent (1%) sales tax, a three cent (\$0.03) tobacco tax, and a two cent (\$0.02) gasoline tax, providing for the distribution of said taxes and for penalties in violation of this act.

H. 346. Relating to Franklin County; amending Act No. 88-562, S. 667, 1988 Regular Session (Acts 1988, p. 881), levying a county privilege, license

or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, so as to provide further for the collection and enforcement of the tax; and for the distribution of the proceeds therefrom.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 344. To amend Section 40-12-223, Code of Alabama 1975, for the purpose of exempting from the leasing tax imposed by Sections 40-12-220 through 40-12-227, Code of Alabama 1975, the gross proceeds derived from the leasing of tangible personal property pursuant to a sale-lease back financing that meets certain conditions, including the initial acquisition of such property by the lessee or by an entity controlled by, or under common control with, the lessee, the subsequent sale of such property to the lessor, and the leasing back of such property from the lessor by the lessee pursuant to a lease which, among other things, has a term of not less than fifteen years and does not constitute a sale for either Alabama or federal income tax purposes or both.

H. 345. To amend Section 39-1-1, Code of Alabama 1975, requiring bonds for persons, firms or corporations contracting with the state or political subdivisions thereof for repair or construction of public buildings, works, highways or bridges, by adding at the end of subsection (a) of the existing section a provision adding public corporations and authorities as political subdivisions covered by the section, but providing for the exemption, from the requirements of the section, of any real or personal property leased to a private entity and owned by a private entity for Alabama or federal income tax purposes.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (RG):

H. J. R. 126. COMMENDING A. F. WHITMAN UPON HIS RETIREMENT FROM THE SYLACAUGA CHAMBER OF COMMERCE.

WHEREAS, this Legislature notes that A. F. Whitman became Executive Vice President of the Sylacauga Chamber of Commerce on December 7, 1977; and

WHEREAS, in 1979, due largely to individual efforts of Mr. Whitman, 107 new members had been added to the Chamber of Commerce rolls and to date overall membership has increased 80%; and

WHEREAS, during his ten-year tenure, ten significant industries were added and expanded in the Sylacauga vicinity with 16 bond issues floated totaling some 50 million dollars for these new and expanded industries; and

WHEREAS, during such ten-year period, nine site grants were paid Sylacauga industries through efforts of the Sylacauga Chamber of Commerce totaling \$192,000 and Sylacauga was officially certified as a "City Prepared for Industry"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend A. F.

Whitman for a job well done as Executive Vice President of the Sylacauga Chamber of Commerce and do wish him well upon his forthcoming retirement.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Sarah Whitman and his two sons, Albert and Bill Whitman.

On motion of Rep. Johnson (RG), the rules were suspended and the resolution, H. J. R. 126, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 1. To propose a self-executing amendment to the Constitution of Alabama of 1901, relative to the compensation of the judge of probate of Autauga County.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Grouby, the House concurred in the Senate amendment to the bill, H. 1, said Senate amendment being as follows:

Amend H. B. 1 as follows:

On page 1, line 33 after the word "compensation" add the following:
and allowance

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Brooks, Buskey (JL), Carothers, Carter, Curry, Dillard, Faulk, Gaston, Gray, Grayson, Grouby, Hammett, Harvey, Headley, Hill, Holley, Holmes, Junkins, Knight, Lindsey, Logan, Marks, Mathis, McMillan, Mikell, Parker, Payne, Richardson, Seibels, Slaughter, Turner, Turnham, Venable, Walker, White (G) and White (L).

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 181. Relating to Coosa County, providing for an advisory referendum regarding Coosa County Commission members' compensation and the Coosa County Commission chairman's right to vote.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Venable, the House concurred in and adopted the Senate amendment to the bill, H. 181, said Senate amendment being as follows:

Amend H. 181 as follows:

On page 2, between lines 6 and 7, insert the following language:

4. Shall the Coosa County Commission be authorized and empowered to elect its chairperson from among its members for a term of two years with such chairperson having an option to succeed himself or herself as such chairperson if so elected by the county commission? Yes () No ()

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Brooks, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Curry, Dillard, Escott, Faulk, Flowers, Gaston, Goodwin, Grouby, Hammett, Haynes, Headley, Hill, Hogan, Holley, Holmes, Johnson (RG), Knight, Laird, Lindsey, Logan, Marks, Mathis, McMillan, Mikell, Moon, Newman, Parker, Payne, Poole, Richardson, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (L) and Wright.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Figures and Bedford:

S. J. R. 38. MOURNING THE DEATH OF FRED L. SANDERSON OF MOBILE, ALABAMA.

Also:

By Senator Preuitt:

S. J. R. 39. COMMENDING ASSISTANT POLICE CHIEF LEWIS FINN FOR OUTSTANDING SERVICE TO THE CHILDERSBURG COMMUNITY.

Also:

By Senator Preuitt:

S. J. R. 40. COMMENDING IRA FINN FOR DISTINGUISHED SERVICE TO THE POLICE DEPARTMENT OF CHILDERSBURG, ALABAMA, AND TO THE COMMUNITY.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Clark (W), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 38, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Johnson (RG), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 39, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Johnson (RG), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 40, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Corbett, Langford, Campbell, Hand, Mitchem, Parsons, Denton, Manley, Dixon, Hale, Goodwin, deGraffenried, Drinkard, Horn, Dial, Bennett, Amari, Cabaniss, Ellis, and Bedsole:

S. J. R. 41. ADMONISHING CERTAIN AGENCIES TO RECOGNIZE THAT CERTAIN APPROPRIATIONS IN H. B. 28 ARE ONE-TIME APPROPRIATIONS MADE FROM NONRECURRING REVENUES AND STATING THE LEGISLATIVE INTENT BEHIND SECTION 6 OF H. B. 28.

WHEREAS, H. B. 28 which proposes the state education budget for fiscal year 1988-89 contains the following enumerated appropriations from nonrecurring revenue sources:

Free Textbooks	\$ 2,000,000
Increase In Other Current Expense	5,000,000
Classroom Supplies	5,305,802
Maintenance	10,000,000
Library Enhancement	1,200,000
Vocational Education Equipment	4,000,000
Capital Facility Renovation	29,313,874
Salary Increase Locally Funded Units	5,250,000
University of Alabama System	8,556,702
Alabama A & M University	659,532
Alabama State University	656,491
Athens State College	133,587
Auburn University System	5,142,550
Jacksonville State University	731,446
Livingston University	240,658

University of Montevallo	399,886
University of North Alabama	550,433
University of South Alabama	1,706,953
Troy State University System	719,930
Junior & Technical College Systems	5,262,827
Alabama Commission on Higher Education- EPSCoR	2,000,000
Eminent Scholars	5,200,000
Special Industrial Job Training	4,100,000
Public Library Service	1,500,000
Council on Arts & Humanities	1,000,000
Institute for the Deaf & Blind	865,000
Alabama Special Educational Trust Fund Reserve Account	21,000,000

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature hereby notes that the aforementioned appropriations are one-time appropriations made from nonrecurring revenues and admonish the recipients of said appropriations to note the same.

BE IT FURTHER RESOLVED, That the legislative intent of Section 6 of H. B. 28 which provides that the Department of Corrections shall contract with the Postsecondary Education Department to provide for prison education expansion is that the entire appropriation shall be expended for said purpose and that there shall be no loss in benefits, compensation or contracts of any employee of the Postsecondary Education Department.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each institution herein listed, and to the administrative officer of each other item herein enumerated.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 41, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 26. To amend section 32-2-8, Code of Alabama 1975, relating to fees charged for copies of records of the Department of Public Safety, so as to increase the fee charged for a copy of any record in the files of the department of public safety.

Also:

H. 120. To amend section 8-6-3, Code of Alabama 1975, relating to registration of securities dealers and salesmen, so as to increase the fees for registration of dealers and salesmen and to make the fees nonrefundable.

Also:

H. 138. To provide that the alcoholic beverage control board shall under certain conditions audit and collect certain taxes on beer or table wine levied for the benefit of local governing bodies.

Also:

H. 147. To amend Section 35-12-38, Code of Alabama 1975, so as to permit stocks in custodial possession of the state to be sold through an established stock exchange or over the counter at prevailing prices and to permit the redemption of government and corporate bonds that have reached maturity.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Reps. Johnson (RW) and Butler:

H. J. R. 127. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON EMERGENCY MEDICAL SERVICES.

WHEREAS, emergency medical personnel provide vital life-saving services to the citizens of this state, 24 hours a day, every day of the year; and

WHEREAS, in order to ensure the citizens of Alabama the best possible continued emergency medical services it is necessary that such services be coordinated; and

WHEREAS, the legislature of this state recognizes the importance of continuing quality emergency medical care for citizens in every corner of this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a six member joint interim legislative committee to study the overall structure of emergency medical services in this state. The committee shall be composed of three members of each house, to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of emergency medical services in this state so as to

ensure continued quality medical care for all areas of the state, and to coordinate a statewide plan for such services.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the tenth legislative day of the 1989 Regular Session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$5,000.

On motion of Rep. Johnson (RW), the rules were suspended and the resolution, H. J. R. 127, was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Box, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Curry, Davis, Dillard, Faulk, Ford, Freeman, Fuller, Gaston, Hall, Harvey, Headley, Hettinger, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RW), Knight, Logan, Marietta, Marks, Mathis, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Reed, Richardson, Seibels, Slaughter, Spratt, Starkey, Warren, White (F), White (G), White (L), Willis and Wright.

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INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Logan and Britnell (With Notice and Proof):

H. 349. Relating to Marion County; authorizing the county board of health to designate the services rendered by the county health department for which a reasonable fee may be charged and to set the appropriate fee for each service; and providing that no citizen shall be denied any service because of that person's inability to pay.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 349, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Rogers, McDowell, Davis, McClain, and Newton (With Notice and Proof):

H. 350. Relating to Jefferson County; to amend further Section 3 of Act No. 248, H. 580, 1945 Regular Session (Acts 1945, p. 376), as amended

most recently by Act No. 225, S. 271, 1987 Regular Session (Acts 1987, p. 316), pertaining to Personnel Boards of certain counties classified on a population basis, so as to provide further for an expense allowance for board members and the chairman for attendance of meetings of the boards and for attendance upon trials or hearings.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 350, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harper:

H. 351. To impose a fee on the rental of video cassettes; to provide for the method of reporting and paying the fee; to provide for a fee for the revenue department for the collection of same; to provide for penalties for failure to pay; and to provide that the proceeds go to the general fund of the state of Alabama.

Committee on Ways and Means.

By Rep. Britnell (With Notice and Proof):

H. 352. Relating to Franklin County; amending Act No. 88-562, S. 667, 1988 Regular Session (Acts 1988, p. 881), levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, so as to provide further for the collection and enforcement of the tax; and for the distribution of the proceeds therefrom.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 352, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Logan, Newman, and Britnell (With Notice and Proof):

H. 353. Relating to Marion County; providing for the merging of the budgetary operations of the tax assessor's office; providing that said office shall be financed on a pro rata share basis from proceeds of state, county and municipal ad valorem taxes collected in the county; providing certain exceptions and providing for supplemental effect.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 353, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Williams (With Notice and Proof):

H. 354. Relating to Dale County; providing further for the distribution of the beer taxes levied by Act No. 82-344, H. 165, 1982 Regular Session.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 354, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Hettinger, Butler, and Freeman (With Notice and Proof):

H. 355. Relating to Madison County; authorizing and empowering the incorporated municipalities in the county to regulate and control through the issuance of permits the use of explosives in rock quarries within the police jurisdictions of such municipalities.

Committee on Local Legislation No. 4.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 355, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hettinger:

H. 356. To create the Mountain Ridge Protection Act of 1988; to provide for the further regulation of the construction of tall or major buildings and structures on ridges and higher elevations so as to further minimize safety, health and fire hazards, inadequate water supplies and sewage disposal facilities and other environmental and health hazards; to authorize counties and municipalities to enact resolutions and ordinances; to provide local regulation permit procedures and sanctions; and to be exempted from state oversight, regulations and sanctions as provided; to require local hearings and notice; to prescribe referendums for such exemptions in each affected jurisdiction; to provide election procedures, civil remedies; to prescribe civil penalties; to provide the provisions of this act supplemental to certain nonconflicting provisions of law; to authorize the department and director of environmental management to formulate, promulgate and enforce reasonable and necessary rules and regulations to implement the provisions of this act, pursuant to the administrative procedures laws; to provide for counties and municipalities to opt out of local regulation; to provide for notice and filing of certain documents, descriptions and pertinent data with the respective probate judges of affected jurisdictions and the director of the department of environmental management; and to provide effective dates for implementation by local and state jurisdictions.

Committee on Local Government.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Campbell:

H. J. R. 128. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, September 8, 1988, they adjourn to meet again on Tuesday, September 13, 1988.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. J. R. 128, was adopted.

Also:

By Rep. Campbell:

H. R. 129. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, September 8, 1988, we adjourn to meet again on Tuesday, September 13, 1988, at 2:00 P.M.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. R. 129, was adopted.

Also:

By Rep. Holmes:

H. J. R. 130. COMMENDING MAJOR GENERAL GARY COOPER OF MOBILE, ALABAMA.

WHEREAS, in highest commendation the Legislature of Alabama, congratulates our friend and former colleague, Jerome G. (Gary) Cooper of Mobile as the recipient of the prestigious Legion of Merit; and

WHEREAS, Gary Cooper, a Marine Reservist, recently selected for major general; received the award for exceptional meritorious service and demonstrated leadership during his command of the 4th Force Service Support Group; and

WHEREAS, General Cooper, who is a Vietnam veteran and the first black officer ever to lead an infantry company into combat, was discharged from active duty in 1969, having earned a Bronze Star, two Purple Hearts and three Vietnam Crosses of Gallantry; and

WHEREAS, General Cooper, in new assignment as director of manpower and recruiting, Headquarters Marine Corps, Washington, D.C., will head the Corps' recruiting efforts for both regular and reserves forces; and

WHEREAS, Gary Cooper also has greatly achieved in civilian life as a marketing executive with a prominent Mobile-based engineering firm; as a member of the Alabama House of Representatives; and as Commissioner of the Alabama Department of Human Resources; and

WHEREAS, a graduate of Notre Dame University, General Cooper also is the recipient of such other distinctions as Man of the Year, M. O. Beale Scroll of Merit and the Secretary of the Navy Award for Public Service; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding accomplishment and in great pride of a fellow Alabamian and distinguished American, we hereby commend Gary Cooper of Mobile, whom we hold in warmest personal regard and for whom a copy of this resolution of esteem shall be provided.

On motion of Rep. Holmes, the rules were suspended and the resolution, H. J. R. 130, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Flowers:

H. R. 131. HONORING OUR COLLEAGUE, LEWIS HEADLEY OF CLANTON, AND DESIGNATING HIM AS THE MOST DEDICATED MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES FOR 1988.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 9. Relating to Lawrence County, providing for an advisory referendum election relating to the manner of electing the members of the county commission.

Also:

S. 10. Relating to Morgan County; authorizing and empowering the Morgan County commission and the governing bodies of the incorporated municipalities in such county to regulate and control through the issuance of permits the location of rock quarry blasting operations within the county.

Also:

S. 13. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Hartselle, in Morgan County.

Also:

S. 66. Relating to Lamar County, amending Act No. 82-114, H. 522, 1982 Regular Session, which provided for the compensation of certain county officials, so as to increase the compensation of members of the board of registrars.

Also:

S. 67. Relating to Lamar County, amending Act No. 82-114, H. 522, 1982 Regular Session, which provided for the compensation of certain county officials, so as to increase the compensation of members of the board of registrars.

Also:

S. 160. Relating to Marengo County; to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain postal cost reimbursement plus a fee not to exceed \$1.00 pursuant to such system of renewal of motor vehicle licenses by mail; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of licenses by the probate judge's office; and to transfer certain duties now performed by the revenue commissioner to said probate office.

Also:

S. 180. Relating to Baldwin County; to prohibit the placing of signs, markers and advertising, pertaining to political campaigns, on state and county controlled highways except for those signs or markers placed by or under the authority of the state or county.

Also:

S. 181. Relating to Baldwin County; providing further for the compensation of poll workers.

Also:

S. 182. Relating to Baldwin County; repealing Act No. 88-381, H. 969, 1988 Regular Session (Acts 1988, p. 569) which increased court costs and provided for the disposition of the proceeds from the increase.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

NOTICE IN WRITING

Rep. Holmes filed the following Notice in Writing:

Mr. Speaker:

Notice is hereby given, pursuant to the House Rules, that on the next legislative day a motion will be made to amend House Rule 1 as follows:

"Rule 1. (a) On meeting days, the Speaker of the House, the Speaker pro tem and the Chairman of the House Standing Committees shall admit House members to their respective offices, for the purposes of conducting legislative business, prior to any waiting, non-legislative person whether such person has an appointment or not. This Rule shall be enforced by the respective officers of the House.

"(b) The doorkeeper shall on meeting days, thirty minutes before the session begins, clear the House of all persons not entitled to the floor. The doors of the House shall be opened but no person shall be admitted to the floor of the House while the same is in session, except members of the Legislature, the officers and employees of the two Houses, the Governor and his secretary, representatives of the press who shall be placed by the Clerk of the House, the Chief Examiner and employees of the Department of Examiners of Public Accounts, and other persons to whom either House, by unanimous vote, may extend the privileges of its floor; provided, however, that on the first legislative day of any regular or special session, the families of the members of the House shall have the privilege of the floor, for that legislative day only.

"(1) When former members are on the floor of the House, they shall not be engaged in any lobbying activities. Former members who are registered

lobbyists shall request permission of the Speaker to receive privileges of the floor.

“(2) For the purpose of this Rule, ‘press’ means news gathering media or general news and not any trade or association.

“(3) These rules shall be enforced by the Clerk of the House.”

NOTICE IN WRITING

Rep. McKee filed the following Notice in Writing:

Notice is hereby given that on the next Legislative Day, I shall move that the Standing Committee on Ways & Means be directed to act on H. B. 318 which is now pending before such committee and to thereafter report said bill to the House at its next sitting.

BILLS ON THIRD READING

And the bill:

H. 311. Relating to Bibb County, to authorize the county commission to levy an additional one cent (\$.01) sales and use tax in the county in areas located outside the municipal limits of Centreville, Brent and West Blocton; to provide for collection of said tax by the state revenue department; and to distribute the net proceeds of said tax to the county general fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Carter, Clark (W), Crow, Curry, Dillard, Drake, Faulk, Flowers, Freeman, Grayson, Hall, Hammett, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Junkins, Knight, Layson, Logan, Marietta, Marks, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Poole, Richardson, Seibels, Spratt, Turner, Venable, White (G), White (L), Willis and Zoghyby.

—57

And the bill:

H. 335. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Scottsboro in Jackson County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Clark (W), Coburn, Crow, Curry, Dillard, Drake, Faulk, Flowers, Freeman, Fuller, Gaston, Grouby, Hammett, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Junkins, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis,

McClain, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Richardson, Seibels, Slaughter, Spratt, Turner, Venable, Walker, White (F), White (G), White (L), Willis, Wright and Zoghby.

—66

And the bill:

H. 336. Relating to Pike County; repealing Act No. 81-747, H. 1120, 1981 Regular Session (Acts 1981, p. 1274), entitled "An Act Relating to Pike County; to provide further for the election of the members of the county board of education," so as to allow the qualified electors in the City of Troy to vote in such elections.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Carter, Clark (W), Coburn, Curry, Dillard, Drake, Faulk, Flowers, Ford, Freeman, Fuller, Gaston, Gray, Grouby, Hamilton, Hammett, Harper, Harvey, Headley, Hettinger, Higginbotham, Hill, Junkins, Knight, Kvalheim, Layson, Lindsey, Logan, Marks, Mathis, McMillan, Mikell, Moon, Newman, Parker, Payne, Petelos, Slaughter, Spratt, Turner, Venable, White (F), White (G), White (L), Willis, Wright and Zoghby.

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And the bill:

H. 103. Relating to Jefferson County; to amend Section 22, Act 248 of the Legislature of Alabama of 1945, as amended by Act 562, approved October 9, 1947, as amended by Act 670, approved September 16, 1953, as amended by Act 1600 (General Acts of 1971, page 2754), as amended by Acts 679 and 684, approved May 23, 1977, to provide further for remedies for employees dismissed, demoted or suspended.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Butler, Carter, Clark (W), Coburn, Curry, Dillard, Drake, Faulk, Ford, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Hall, Hamilton, Hammett, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Johnson (RG), Junkins, Knight, Kvalheim, Layson, Lindsey, Logan, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Petelos, Seibels, Spratt, Starkey, Turner, Venable, White (F), White (G), White (L), Willis, Wright and Zoghby.

—66

And the bill:

H. 333. To propose an amendment to the Constitution of Alabama of 1901, as amended, so that notwithstanding existing provisions thereof the

governing body of the City of Huntsville in Madison County shall have the authority to make a one-time appropriation of money, up to a maximum total appropriation of \$2,000,000.00, to one or more bona fide nonprofit organizations, which at the time of such appropriation has been organized for the purpose of fostering and coordinating volunteer activity in the field of the literary, visual, or performing arts, which said appropriation is to be used exclusively for construction of one or more buildings located within said city and owned by such organization; to provide that the City of Huntsville shall also have the authority to provide up to \$100,000.00 annually for certain operational expenses and maintenance of buildings; to provide that the provisions of such amendment, if adopted, shall be self-executing; and to provide for referendum.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Clark (W), Coburn, Curry, Dillard, Drake, Faulk, Ford, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Hill, Hogan, Holmes, Johnson (RG), Junkins, Knight, Kvalheim, Layson, Lindsey, Logan, Marks, Mathis, McClain, McMillan, Melton, Mikell, Newman, Newton, Parker, Payne, Penry, Seibels, Spratt, Starkey, Turner, Venable, White (F), White (G), White (L) and Zoghby.

—65

And the bill:

H. 325. Relating to the Eighteenth Judicial Circuit, in Clay, Coosa and Shelby Counties, providing further for the compensation of the district attorney.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Clark (W), Coburn, Curry, Davis, Dillard, Drake, Faulk, Gaston, Goodwin, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Junkins, Knight, Kvalheim, Layson, Logan, Marietta, Marks, Mathis, McClain, McMillan, Melton, Mikell, Newman, Newton, Parker, Payne, Penry, Petelos, Rogers, Seibels, Slaughter, Spratt, Starkey, Turner, White (G), Willis and Zoghby.

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And the bill:

H. 338. Relating to Chambers County; abolishing the county offices of tax assessor and tax collector; providing for the establishment of a consolidated and unified system of assessment and collection of ad valorem taxes under the supervision of an elective county official designated as county

revenue commissioner of said county; providing for the election and compensation of such revenue commissioner, and providing for a referendum upon the question of whether a majority of the qualified electors of Chambers County favor a revenue commissioner.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Butler, Curry, Dillard, Faulk, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Holley, Johnson (RG), Junkins, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Slaughter, Starkey, Turner, Venable, White (G), Willis and Zoghby.

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MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Carothers to suspend the rules in order to take up out of order the bill, H. 186, was lost, lacking a four-fifths vote.

Yeas 41; Nays 14.

Yeas:

Reps. Beasley, Beers, Biddle, Blake, Bryant, Buskey (JL), Carothers, Cosby, Crow, Faulk, Freeman, Fuller, Goodwin, Hall, Haynes, Hettinger, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Junkins, Knight, Marietta, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Reed, Spratt, Starkey, Turner, White (G), White (L), Williams and Zoghby.

—41

Nays:

Reps. Adams, Blakeney, Breedlove, Brooks, Curry, Dillard, Drake, Hamilton, Hammett, Holmes, McMillan, Seibels, Venable and Wright.

—14

H. 187 TEMPORARILY CARRIED OVER

On motion of Rep. Carothers, the bill, H. 187, was temporarily carried over.

And the bill:

H. 46. To levelize the taxes on all tobacco products; to amend Sections 40-25-2 and 40-25-4, Code of Alabama 1975, so as to levy an additional privilege and license tax on the sale, storage, use, consumption or delivering of cigarettes within this state; to amend Section 40-25-23, Code of Alabama 1975, to provide for the disposition of the additional tobacco tax proceeds; to correct the identification of the Department of Mental Health and Mental Retardation, and provide for distribution for servicing bonds issued under

the authority of Amendment 266 to the Constitution of Alabama; to provide for a single stamp system and protective distribution to replace local levies which are to be terminated or repealed; to provide for a credit system for stamp inventories in the possession of distributors at the date of implementation and to provide that the revenues generated will be distributed in part to the cities and counties to further secure bonds issued pursuant to Act 88-475, and the remainder to the General Fund of the State of Alabama.

Was taken up.

MOTION TO CARRY OVER TABLED

On motion of Rep. Laird, the motion offered by Rep. Starkey to carry over the bill, H. 46, to the twelfth legislative day, was tabled.

Yeas 58; Nays 34.

Yeas:

Mr. Speaker, Beasley, Blake, Breedlove, Brooks, Bryant, Buskey (JL), Butler, Campbell, Carothers, Carter, Coburn, Crow, Curry, Dillard, Drake, Faulk, Flowers, Frazier, Fuller, Gaston, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Layson, Lindsey, Marietta, Mathis, McKee, Mikell, Moon, Parker, Poole, Reed, Richardson, Slaughter, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Willis and Zoghby.

—58

Nays:

Reps. Adams, Beers, Biddle, Black, Bugg, Buskey (JE), Cosby, Davis, Escott, Ford, Freeman, Goodwin, Gray, Hall, Hettinger, Holley, Junkins, Logan, Marks, McClain, McDowell, McMillan, Melton, Newman, Newton, Payne, Penry, Petelos, Rains, Rogers, Seibels, Spratt, Starkey and Wright.

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CO-SPONSOR ADDED

Rep. Drake was added as co-sponsor to the bill, H. 46.

SUBSTITUTE OFFERED

Rep. Laird offered the following substitute to the bill, H. 46:

A BILL TO BE ENTITLED AN ACT

To levelize the taxes on all tobacco products; to amend Sections 40-25-2 and 40-25-4, Code of Alabama 1975, so as to levy an additional privilege and license tax on the sale, storage, use, consumption or delivering of cigarettes within this state; to amend Section 40-25-23, Code of Alabama 1975, to provide for the disposition of the additional tobacco tax proceeds; to correct the identification of the Department of Mental Health and Mental Retardation, and provide for distribution for servicing bonds issued under the authority of Amendment 266 to the Constitution of Alabama; to provide for a single stamp system and protective distribution to replace local levies which

are to be terminated or repealed; to provide for a credit system for stamp inventories in the possession of distributors at the date of implementation and to provide that the revenues generated will be distributed in part to the cities and certain counties, to the Alabama Forestry Commission, and the remainder to the General Fund of the State of Alabama.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. It is the intent of the Legislature to levelize taxes on all tobacco products and to use only one stamp indicating the payment of said levelized taxes.

Section 2. Section 40-25-2, Code of Alabama 1975, is hereby amended to read as follows:

“§ 40-25-2.

“(a) In addition to all other taxes of every kind now imposed by law, every person, firm, corporation, club or association, within the state of Alabama, who sells or stores or receives for the purpose of distribution to any person, firm, corporation, club or association within the state of Alabama, cigars, cheroots, stogies, cigarettes, smoking tobacco, chewing tobacco, snuff, or any substitute therefor, either or all, shall pay to the state of Alabama for state purposes only a license or privilege tax which shall be measured by and graduated in accordance with the volume of sales of such person, firm, corporation, club or association in Alabama. There is hereby levied license or privilege taxes on articles containing tobacco enumerated in this article in the following amounts:

“(1) LITTLE CIGARS.—Upon little cigars of all descriptions made of tobacco, or any substitute therefor, ~~and weighing not more than three pounds per 1,000, \$.02~~ \$.04 for each ten cigars, or fractional part thereof; in packages containing more than 10 but not exceeding 20 little cigars, \$.08 per package;

“(2) CHERROOTS, STOGIES, CIGARS, ETC.—Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for three and one-third cents each or less, \$1.50 per 1,000.

“(3) CIGARS.—Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than three and one-third cents each and not more than \$.05 each, ~~\$3.00~~ \$4.00 per 1,000.

“(4) CIGARS.—Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than \$.05 each and not exceeding \$.08 each, ~~\$4.50~~ \$5.50 per 1,000.

“(5) CIGARS.—Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than \$.08 each and not exceeding \$.10 each, ~~\$7.50~~ \$10.00 per 1,000.

“(6) CIGARS.—Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than \$.10 and not exceeding \$.20 each, ~~\$15.00~~ \$20.00 per 1,000.

“(7) CIGARS.—Upon cigars of all descriptions made of tobacco, or any substitute therefor, retailing for more than \$.20 each, ~~\$20.25~~ \$30.00 per 1,000.

“(8) CIGARETTES.—Upon all cigarettes made of tobacco, or any substitute therefor, ~~8-25~~ 12.00 mills on each such cigarette.

“(9) SMOKING TOBACCO.—Upon all smoking tobacco, including granulated, plug cut, crimp cut, ready rubbed and other kinds and forms of

tobacco prepared in such manner as to be suitable for smoking in a pipe or cigarette, upon each package: weighing not more than one and one-eighth ounces, tax ~~\$.02~~ \$.025; over one and one-eighth ounces, not exceeding two ounces, tax ~~\$.05~~ \$.0625; over two ounces, not exceeding three ounces, tax ~~\$.08~~ \$.10; over three ounces, not exceeding four ounces, tax ~~\$.11~~ \$.14; \$.03 additional tax for each ounce or fractional part thereof over four ounces.

“(10) CHEWING TOBACCO.—Upon all chewing tobacco prepared in such manner as to be suitable for chewing only and not suitable for smoking as described and taxed in subdivision (9) of this subsection: three-fourths cent per ounce or fractional part thereof.

“(11) SNUFF.—Upon each can or package of snuff weighing not more than five-eighths ounces, ~~one-half three-fourths~~ cent tax; over five-eighths ounces and not exceeding one and five-eighths ounces, \$.01 tax; over one and five-eighths ounces and not exceeding two and one-half ounces, ~~\$.02~~ \$.025 tax; over two and one-half ounces and not exceeding five ounces (in cans, packages, or gullets), ~~\$.03~~ \$.0375 tax; over three ounces and not exceeding five ounces (in glasses, tumblers, or bottles), ~~three four~~ and one-half cents tax; over five ounces and not exceeding six ounces, ~~\$.04~~ \$.05 tax; weighing over six ounces, an additional ~~\$.06~~ \$.065 for each ounce or fractional part thereof.

“(b) Whenever in this article reference is made to any manufactured tobacco products, manufactured or imported to sell at a certain price, as the basis for computing the tax, it is intended to mean the ordinary, customary or usual price paid by the consumer for such tobacco products taxable under this article.

“(c) Whenever in this article reference is made to any manufactured tobacco products on which the tax is based on weight, the weight as shown by the manufacturer or the federal internal revenue stamp shall apply.

“(d) When the retail or selling price is referred to in this article as the basis for computing the amount of stamps required on any article, it is intended to mean the retail or selling price of the articles before adding the amount of the tax.

“(e) When any articles or commodities subject to tax in this article are given as prizes on punch boards, shooting galleries, premiums, etc., the tax shall be based on the ordinary retail selling price of such articles.

“(f) The tax herein levied shall be paid to the state through the use of stamps as herein provided. However, every wholesaler, distributor, jobber or retail dealer shall add the amount of the tax levied herein to the price of the tobacco or tobacco products sold, it being the purpose and intent of this provision that the tax levied is in fact a levy on the ultimate consumer or user with the wholesaler, distributor, jobber or retail dealer acting merely as an agent of the state for the collection and payment of the tax to the state. Therefore, notwithstanding any exemptions from taxes which any such seller may now or hereafter enjoy under the Constitution or laws of this or any other state, or of the United States, he shall collect the tax imposed hereunder from the purchaser or consumer, and the amount of the tax shall constitute a debt from the purchaser or consumer to the seller until paid. It shall be unlawful for any person, firm, corporation, association or copartnership to fail or refuse to add to the sales price and collect from the purchaser the amount of the tax to be added to the sales price and collected from the purchaser hereunder. Stamps in denominations to the amount of the tax or

in denominations specified pursuant to subsection (g) of this section shall be affixed to the box or other container from or in which tobacco products taxed by this section are normally sold at retail. The stamps shall be affixed in such a manner that their removal will require continued application of water or steam; and in case of cigars, cheroots, chewing tobacco and like manufactured tobacco products, where sales are made from the original container, the stamps shall be affixed to the box or container in such a way that the stamps shall be torn in two or mutilated when such containers or boxes are opened for the sale of the tobacco products. In the case of cigarettes, smoking tobacco, snuff and like products sold at retail in packages, the required amount of stamps to cover the tax shall be affixed to each individual package or container. All taxable tobaccos herein enumerated, when offered for sale, either at wholesale or retail, without having stamps affixed in the manner set out by this article, shall be subject to confiscation, in the manner provided for contraband goods as set out in this article.

“(g) The commissioner of revenue shall prepare and issue stamps in denominations for the amount of the tax imposed by this article, provided that if the commissioner determines that it is not economical for the state to have a stamp prepared and issued for one or more particular types of packages of tobacco products, then he may by regulation prescribe the use of a stamp in a denomination other than for the amount of the tax imposed with the difference between the amount of tax actually imposed and the amount of tax denominated by the stamp paid with the use of a monthly report; or he may require a monthly report without use of a stamp to report the amount of taxes due.

“(h) The department of revenue is hereby authorized to adopt, promulgate and enforce reasonable rules and regulations relating to the administration and enforcement of the provisions of this chapter not in conflict with the specific provisions hereof.”

Section 3. Section 40-25-4, Code of Alabama 1975, is hereby amended to read as follows:

“§ 40-25-4.

“(a) The license taxes imposed by this article shall be paid by affixing stamps in the manner and at the time herein set forth. In the case of cigars, stogies, cheroots, chewing tobacco and like products, the stamps shall be affixed to the box or container in which or from which normally sold at retail. In the case of cigarettes, smoking tobacco and snuff, the stamps shall be affixed to each individual package. Time allowed for affixing stamps shall be as follows: Every wholesale or retail dealer in this state shall immediately after receipt of any ~~unstamped cigars, stogies, cheroots, chewing tobacco, cigarettes, smoking or other tobacco products or snuff~~, unless sooner offered for sale, cause the same to have the requisite denominations and amount of stamp or stamps to represent the tax affixed as stated herein, and to cause same to be cancelled by ~~wholesaler or retailer~~ stamping across the face of each stamp the registered number of ~~wholesaler or retailer~~, said number to be furnished by the department of revenue. The stamping of said ~~cigars, stogies, cheroots, chewing tobacco, cigarettes, smoking or other tobacco products and snuff~~ shall actually begin within one hour after receipt of said ~~cigars, stogies, cheroots, chewing tobacco, cigarettes, smoking or other tobacco products and snuff~~ in the premises of the wholesale or retail dealer, and said stamping shall be continued with reasonable diligence by the wholesale or retail dealer until all of the unstamped ~~cigars, stogies, cheroots, chewing tobacco, cigarettes,~~

~~smoking or other~~ tobacco products ~~and snuff~~ have been stamped and the stamps cancelled as provided by law.

"(b) Any wholesale dealer engaged in interstate business who shall furnish surety bond in an amount and of tenor and solvency satisfactory to the department of revenue shall be permitted to set aside such a part of his stock as may be necessary for the conduct of such interstate business without affixing the stamps required by this article. Said interstate stock shall be kept in an entirely separate part of the building, separate and apart from stamped stock.

"(c) Every wholesale dealer shall at the time of shipping or delivering any tobacco products as enumerated herein make a true duplicate invoice of the same which shall show full and complete details of the sale or delivery of the taxable article, and shall retain the same subject to the use and inspection of the department of revenue, or its duly authorized agents for a period of three years. Wholesale and retail dealers shall also keep a record of purchases of all tobacco products enumerated and defined in this article and hold all books, records, and memoranda pertaining to the purchase and sale of such tobacco products enumerated and defined in this article open to the inspection of the department of revenue or its duly authorized agents at any and all times. Every wholesale dealer shall furnish to the department of revenue a monthly report, between the first and twentieth of each month for the preceding month, of all orders for tobacco products enumerated and defined in this article purchased through said wholesale dealer from without this state on a drop shipment and consigned direct to the person, firm, corporation or association of persons ordering such tobacco products from without this state through such wholesale dealer. If, upon examination of invoices of any wholesale or retail dealer, he is unable to furnish evidence to the department of revenue of sufficient stamp purchases to cover unstamped tobaccos as enumerated and defined in this article, purchased by him, the prima facie presumption shall arise that such tobacco products were sold without the proper stamps affixed thereto.

"(d) Any wholesaler or retailer who fails or refuses to comply with any or all of the above provisions shall be deemed a violator of this section and upon conviction shall be punished by a fine of not less than \$500.00 nor more than \$1,000.00, or imprisonment in the county jail for a period of six months, either or both, at the discretion of the court."

Section 4. Section 40-25-23, Code of Alabama 1975, as amended by Act No. 88-78 and Act No. 88-476, 1988 Regular Session, is hereby further amended to read as follows:

"§ 40-25-23.

"All revenues collected under the provisions of this article, except as otherwise provided, shall be paid to the department of revenue by check or draft made payable to the treasurer of Alabama, and shall be distributed in the following manner:

"(1) All of the revenue derived from the tax levied upon cigarettes and tobacco products by sections 40-25-2 and 40-25-41 shall be deposited in the state treasury and shall be divided as follows:

"a. ~~Six and six one hundredths percent~~ Four million one hundred eighty-eight thousand seven hundred eighty-seven dollars and twelve cents (\$4,188,787.12) to the credit of the state public welfare trust fund, which is

hereby appropriated for general welfare purposes. In this section, 'general welfare purposes' means:

"1. The administration of public assistance as set out in sections 38-2-5 and 38-4-1;

"2. Services, including supplementation and supplementary services under the federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under section 38-4-1;

"3. Services to and on behalf of dependent, neglected, or delinquent children; and

"4. Investigative and referral services to and on behalf of needy persons.

"b. ~~Nine and nine one hundredths percent~~ Six million two hundred eighty-three thousand one hundred eighty dollars and seventy-four cents (\$6,283,180.74) shall be set apart and used for the following purposes only and in the following order:

"1. So much thereof as may be necessary for such purpose is hereby appropriated and shall be used by the state treasurer to pay at their respective maturities the principal and interest that will mature during the then current fiscal year on all bonds at the time outstanding that may have been issued by the state industrial development authority under the provisions of the following acts:

"(i) Acts 1967, No. 231;

"(ii) Acts 1971, No. 1420;

"(iii) Acts 1973, No. 1039;

"(iv) Acts 1975, No. 1217;

"(v) Acts 1978, 2nd Ex. Sess., No. 99;

"(vi) Acts 1981, No. 81-843;

"(vii) Acts 1983, No. 83-925; and

"(viii) Acts 1987, No. 87-550.

"2. The balance thereafter remaining during each fiscal year shall be paid into a special fund in the state treasury to be designated the 'general and mental health fund,' and is hereby appropriated and shall be distributed as follows:

"(i) Thirty-six percent of the said balance shall be expended by the state health officer, with the approval of the state board of health, for salaries, other expenses and equipment purchases, incident to general health work;

"(ii) Fifty-eight percent of the said balance shall be paid to the Department of Mental Health and Mental Retardation created in chapter 50 of subtitle 2 of Title 22, to be expended by the said department for such purposes as it may designate for the provision of mental health services; and

"(iii) Six percent of said balance shall be paid to the ~~Alabama mental health board~~ Department of Mental Health and Mental Retardation created in chapter 50 of subtitle 2 of Title 22, to be expended by said board for

such purposes as it may designate for the provision of services to the mentally retarded.

~~"c. Twelve and twelve one hundredths percent~~ Eight million three hundred seventy-seven thousand five hundred seventy-four dollars and twenty-eight cents (\$8,377,574.28) shall be set apart and used for the following purposes only and in the following order:

"1. So much thereof as may be necessary for such purpose is hereby appropriated to the purpose of acquiring and constructing mental health facilities in the state, and to that end shall be used by the state treasurer to pay, at their respective maturities, the principal and interest that will mature during the then current fiscal year on whichever of the following may be issued:

"(i) Any bonds of the state that may be issued for acquisition and construction of mental health facilities under amendment 266 of the Constitution of Alabama; or

"(ii) Any bonds that may be issued by the Alabama Mental Health Finance Authority under the provisions of Acts 1988, Act No. 88-475.

"2. The balance thereafter remaining during each fiscal year shall be paid into a special fund in the state treasury, designated the 'general and mental health fund,' and is hereby appropriated and shall be distributed as follows:

"(i) Thirty percent of said balance shall be expended by the state health officer, with the approval of the state board of health, for salaries, other expenses, and equipment purchases incident to general health work; and

"(ii) Seventy percent of the said balance shall be paid to the Department of Mental Health and Mental Retardation created in chapter 50 of subtitle 2 of Title 22, and shall be used by the said department for mental health purposes in the state.

~~"d. Six and six one hundredths percent~~ Four million one hundred eighty-eight thousand seven hundred eighty-seven dollars and twelve cents (\$4,188,787.12) shall be set apart and used for the following purposes only and in the following order:

"1. So much thereof as may be necessary for such purposes is hereby appropriated and shall be used by the state treasurer to pay, at their respective maturities, the principal and interest that will mature during the then current fiscal year on all bonds that may be issued by the state parks development authority under the provisions of Acts 1967, No. 272, which provided for the creation of said authority and also provided for the submission of a constitutional amendment to authorize the issuance of general obligation bonds by said authority.

"2. The balance thereafter remaining during each fiscal year shall be deposited into a special fund in the state treasury to be designated the 'state parks fund' and is hereby appropriated and shall be distributed as follows: Said fund may be expended by the state director of conservation at his discretion and with the approval of the governor for salaries, other expenses, land acquisitions, equipment purchases, capital additions or improvements or other lawful expenses relating to the state division of parks, monuments and historical sites.

"e. ~~Thirty six and thirty seven one hundredths percent~~ Twenty-five million one hundred thirty-nine thousand six hundred thirty-five dollars (\$25,139,635.00) to the credit of the general fund.

"f. ~~Thirty and thirty one hundredths percent~~ Twenty-two million three hundred eighty-four thousand nine hundred twenty-one dollars and twenty-nine cents (\$22,384,921.29) to the credit of the Alabama special educational trust fund.

"(2) All of the revenue derived from the tax levied by sections 40-25-2 and 40-25-41 upon tobacco products other than cigarettes shall be deposited in the state treasury to the credit of the Alabama special educational trust fund. The remaining revenue derived from the tax levied upon cigarettes and other tobacco products by sections 40-25-2 and 40-25-41, shall be deposited in the state treasury and be divided as follows:

"a. Each county and each incorporated city and town in the State of Alabama that has a legally adopted tax on tobacco products of any kind as of October 1, 1988, shall receive an annual amount equal to the amount of net revenue that said tobacco taxes produced for such entity during the twelve months ending on September 30, 1988. Any jurisdiction whose tobacco tax was not collected during the entire twelve month period shall receive twelve times the average monthly net receipts during the time the tax was in force between November 1, 1986, and November 1, 1988. The annual tax due each such county, city or town shall be paid in equal monthly installments. If any jurisdiction has pledged all or any part of any local tobacco tax to secure payment of any bond or other obligations, the amount allocated to such jurisdiction under this subparagraph shall be substituted for the amount of local tax so pledged to the extent necessary to comply with the terms and conditions of such pledge. Any amounts received by such jurisdictions shall be appropriated according to prior existing laws.

"b. The remaining revenue, after the distribution provisions of subparagraph (2)a have been met shall be as follows:

"1. Fifty percent to the state general fund.

"2. Twenty-five percent to the counties and incorporated municipalities, which said 25% shall be distributed one-half to counties and one-half to incorporated municipalities as follows:

"(i) The entire proceeds of the counties' share shall be paid to the counties to be used for general fund purposes as follows:

"(a) Forty percent shall be allocated to all counties equally; and

"(b) Sixty percent shall be allocated to the counties according to that percent the individual county's population bears to the total population of all counties. As used herein, the term 'population' shall mean the population as set out in the 1980 federal decennial census or any subsequent official federal census.

"(ii) The share of each incorporated municipality shall be that percent which the individual incorporated municipality's population bears to the total population of all incorporated municipalities in the state. As used herein, the term 'population' shall mean the population as set out in the 1980 federal decennial census or any subsequent official federal census.

"3. The remainder of the revenue shall be credited to the Alabama forestry commission for distribution as follows:

"(i) Eighty percent of the revenue shall be distributed to volunteer fire departments and/or home owner paid and volunteer fire districts certified by the Alabama Forestry Commission on an equal basis, share and share alike wherever and whenever such fire department exists in the state of Alabama.

"(ii) Ten percent of the revenue shall be utilized to aid in the formation and/or certification of volunteer fire departments not now certified or existing and other special needs of volunteer fire departments. New volunteer fire departments may be formed in each county with the advice and consent of the county association of volunteer fire departments. If no association exists in a county, the county supervisor of the state forestry commission and volunteer fire chiefs of that county shall serve as an association for this purpose. Such decisions regarding new departments shall be made prior to the implementation of this aspect of this section in each county and such action must ultimately insure that all areas in Alabama will be covered by a certified volunteer fire department, fire district or paid municipal fire department. When all departments have been certified and/or when the total allocation of this section is no longer needed by uncertified departments such funds as are excess to the needs of this section shall revert to the distribution process as authorized in paragraph 3(i).

"It is further provided, however, that no funds shall be distributed to any fire district or department of any county unless a specific plan for fire protection is first designed and a map filed with the county commission, and adopted by the county commission, which established fire protection districts or departments for the entire county by either paid or volunteer fire departments.

"(iii) The remaining ten percent of the revenue shall be distributed as follows:

"(a) Sixty percent thereof to the state fire college, which shall be expended with the advice of the Alabama Association of Volunteer Fire Departments; and

"(b) Forty percent thereof to county associations of volunteer fire departments to be used as provided by the rules and regulations promulgated by the state forestry commission, which is hereby authorized to promulgate rules and regulations which shall have the force and effect of law. The state forester of the said state forestry commission shall publish such rules and regulations in accordance with the provisions of the Alabama Administrative Procedure Act.

"It is specifically designated that funds provided for by subparagraph 3 are appropriated to the forestry commission each year for purposes outlined therein commencing with the fiscal year ending September 30, 1989."

Section 5. Wholesale and retail stores shall have 21 days after November 1, 1988, to sell stock in their possession on November 1, 1988, with stamps thereon representing the tax rate in effect prior to that date being good under this new rate for that period of time.

Section 6. Effective November 1, 1988, upon implementation of this act, all taxes on tobacco products of any kind or nature however used other than provided by this act are prohibited in any county or city or town or

its jurisdiction in this state and any such taxes heretofore levied are hereby abolished, with a leveled tax in place statewide.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This act shall become effective on November 1, 1988, following its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO CARRY OVER TABLED

On motion of Rep. Johnson (RW), the motion offered by Rep. Rogers to carry over the bill, H. 46, and the pending substitute to the eighth legislative day, was tabled.

Yeas 48; Nays 18.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Box, Breedlove, Britnell, Bryant, Carothers, Clark (W), Crow, Faulk, Frazier, Grouby, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Holmes, Johnson (RG), Johnson (RW), Kvalheim, Laird, Layson, Logan, Marietta, Mathis, McKee, Mikell, Moon, Newman, Parker, Poole, Reed, Thomas, Turner, Turnham, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—48

Nays:

Reps. Adams, Beers, Curry, Davis, Gray, Grayson, Hall, Holley, Marks, McClain, McDowell, McMillan, Melton, Payne, Penry, Petelos, Rogers and Wright.

—18

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 188. To amend sections 25-4-72, 25-4-73, 25-4-76 and 25-4-77, Code of Alabama 1975, relating to the Unemployment Compensation Act effective for weeks within benefit years beginning on and after January 1, 1989, so as to increase maximum weekly unemployment benefits to \$145, compute such weekly benefits on the average of the covered wages paid to an individual during the two quarters of his base period in which such wages were highest.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 163. Relating to employment security programs of the Department of Industrial Relations so as to provide for an assessment of 0.06% against wages paid by certain employers for a three-year period beginning January 1, 1989 and ending December 31, 1991; to provide for the collection, appropriation and disbursement of such assessment, and to provide for the establishment of the "Employment Security Administration Enhancement Fund" in the state treasury; to amend Sections 25-4-31, 25-4-54 and 25-4-143, Code of Alabama 1975, as amended, all relating to the Unemployment Compensation Trust Fund, so as to provide for a reduction of 0.06% in the rates of unemployment compensation contributions of certain employers effective for calendar years beginning on January 1, 1989 and ending on December 31, 1991, to provide for the appropriation of this and other revenue and for the transfer from the clearing account certain moneys into certain separate special funds in the state treasury.

McDOWELL LEE,
Secretary.

H. 46 RESUMED
SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Laird to the bill, H. 46, and the substitute was adopted.

Yeas 56; Nays 25.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Breedlove, Britnell, Bryant, Carothers, Clark (W), Coburn, Crow, Dillard, Drake, Faulk, Flowers, Frazier, Freeman, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Lindsey, Marietta, Moon, Newman, Parker, Poole, Reed, Richardson, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—56

Nays:

Reps. Beers, Biddle, Blakeney, Brooks, Cosby, Curry, Davis, Gray, Grayson, Hettinger, Holley, Knight, Logan, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Payne, Petelos, Rogers, Seibels and Wright.

—25

AMENDMENT OFFERED

Rep. Adams offered the following amendment to the bill, H. 46 as amended:

Amend H. B. 46 as substituted on page 1, by deleting lines 7-8 in their entirety and inserting in lieu thereof the following:

"Synopsis: This bill amends Sections 40-25-2 and 40-25-4, Code".

Further amend by deleting line 34 on page 1 in its entirety and inserting in lieu thereof the following:

"To".

Further amend by deleting lines 19-21 on page 2 in their entirety and renumbering all subsequent sections accordingly.

Further amend by deleting lines 19-25 on page 16 in their entirety and renumbering all subsequent sections accordingly.

MOTION TO TABLE LOST

The motion offered by Rep. Johnson (RW) to table the amendment offered by Rep. Adams to the bill, H. 46 as amended, was lost.

Yeas 38; Nays 50.

Yeas:

Mr. Speaker, Beasley, Blake, Box, Bryant, Burke, Buskey (JE), Campbell, Carothers, Carter, Clark (W), Coburn, Drake, Faulk, Ford, Hall, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Holmes, Johnson (RG), Johnson (RW), Kennedy, Laird, Layson, Lindsey, Marietta, Reed, Thomas, Turner, Warren, White (F), White (G), White (L) and Zoghby.

—38

Nays:

Reps. Adams, Beers, Biddle, Black, Blakeney, Breedlove, Britnell, Brooks, Bugg, Butler, Cosby, Crow, Curry, Davis, Dillard, Frazier, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Hettinger, Hogan, Junkins, Knight, Kvalheim, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Rogers, Seibels, Starkey, Venable, Willis and Wright.

—50

AMENDMENT LOST

The question was then on the adoption of the amendment offered by Rep. Adams to the bill, H. 46 as amended, and the amendment was lost.

Yeas 46; Nays 48.

Yeas:

Reps. Adams, Beers, Black, Blakeney, Box, Breedlove, Britnell, Brooks, Bugg, Butler, Cosby, Crow, Curry, Davis, Dillard, Ford, Frazier, Goodwin, Gray, Grouby, Hammett, Harvey, Hettinger, Holley, Hooper, Logan, Marks, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newton, Parker, Payne, Perdue, Petelos, Poole, Rogers, Seibels, Spratt, Starkey, Venable, Willis and Wright.

—46

Nays:

Mr. Speaker, Beasley, Blake, Bryant, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Drake, Faulk, Flowers, Freeman, Fuller, Gaston, Hall, Hamilton, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Johnson (RG), Johnson (RW), Kennedy, Knight,

Kvalheim, Laird, Layson, Lindsey, Marietta, Mathis, Melton, Newman, Reed, Richardson, Slaughter, Thomas, Turner, Warren, White (F), White (G), White (L) and Zoghby.

—48

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 128. RELATIVE TO MEETING DAYS.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 4. CONGRATULATING MR. AND MRS. THEODORE S. OWENS ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 5. COMMENDING MARTHA KIRKLAND OF BREWTON, ALABAMA, UPON HER RETIREMENT AS JUDGE OF PROBATE OF ESCAMBIA COUNTY.

Also:

H. J. R. 7. COMMENDING JOHN D. LAMMERS FOR DISTINGUISHED SERVICE TO BOY SCOUTS OF AMERICA.

Also:

H. J. R. 124. COMMENDING JEREMY LOWERY OF MARGARET, ALABAMA.

Also:

H. J. R. 126. COMMENDING A. F. WHITMAN UPON HIS RETIREMENT FROM THE SYLACAUGA CHAMBER OF COMMERCE.

Also:

H. J. R. 127. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON EMERGENCY MEDICAL SERVICES.

Also:

H. J. R. 130. COMMENDING MAJOR GENERAL GARY COOPER OF MOBILE, ALABAMA.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 104. Relating to Pickens County; providing an expense allowance for members of the board of registrars retroactive to October 1, 1985, and providing that such expense allowance shall remain in effect either until September 30, 1991 or until the provisions of Act 88-659 of the 1988 Regular Session are implemented, whichever occurs first, at which occurrence the county governing body shall by resolution either terminate or continue such expense allowance.

Also:

H. 170. To authorize the Greene County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Also:

H. 178. Relating to Etowah County; to authorize the probate judge to set the fee for supplying a copy of an instrument; to place the proceeds from the fees in a special fund and provide for its use.

Also:

H. 264. To authorize the Choctaw County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Also:

H. 285. To propose an amendment to the Constitution of Alabama of 1901, to authorize the governing body of the City of Anniston in Calhoun County to appropriate public funds to the East Alabama United Cerebral Palsy Center.

Also:

H. 302. Relating to Etowah County, providing further for the expense allowance of the constable and providing for a retroactive effect.

McDOWELL LEE,
Secretary.

H. 46 RESUMED
AMENDMENT OFFERED

Rep. Melton offered the following amendment to the bill, H. 46 as amended:

To amend the substitute to H. B. 46 on page 14, line 29 by adding after the period the following:

"It is further provided that once the money has been allocated under this subparagraph (ii) to municipalities, the legislators representing each of

said municipalities shall have sole discretion over the expenditure of these allocations.”

AMENDMENT LOST

And the amendment was lost.

Yeas 17; Nays 53.

Yeas:

Reps. Black, Clark (W), Davis, Ford, Gray, Hall, Holley, Kennedy, Marietta, McClain, McDowell, McMillan, Melton, Newton, Perdue, Rogers and Spratt.

—17

Nays:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Box, Breedlove, Brooks, Burke, Campbell, Carothers, Carter, Coburn, Crow, Curry, Dillard, Drake, Faulk, Frazier, Freeman, Fuller, Gaston, Grouby, Hamilton, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Johnson (RG), Knight, Laird, Layson, Lindsey, Marks, Mathis, Mikell, Moon, Newman, Parker, Payne, Richardson, Slaughter, Turner, Warren, White (F), White (G), White (L), Willis and Zoghby.

—53

AMENDMENT OFFERED

Rep. Hill offered the following amendment to the bill, H. 46 as amended:

Amend H. B. 46 as substituted on page 16 after line 25 by inserting the following new section and renumbering all subsequent sections accordingly:

“Section 7. Notwithstanding the provisions of this Act, specifically notwithstanding Sections 4, 5 and 6 of this Act, the counties of Shelby and Winston shall have until February 1, 1989 to implement the provisions of a local tax on tobacco products. After February 1, 1989, said counties shall come under the full provisions of this Act.”

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Faulk, Ford, Frazier, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Harper, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Rogers, Seibels, Slaughter,

Spratt, Starkey, Turner, Turnham, Walker, Warren, White (F), White (G), White (L), Willis and Zoghby.

—81

AMENDMENT OFFERED

Rep. Gray offered the following amendment to the bill, H. 46 as amended:

Amend H. B. 46 on page 14, line 30 by striking in its entirety section 3 starting on page 14 line 30 thru page 16 line 13 and inserting in lieu thereof, the following: The remained shall be divided by all certified Fire Departments in the state by the Director of Finance.

AMENDMENT TABLED

On motion of Rep. Johnson (RW), the amendment offered by Rep. Gray to the bill, H. 46 as amended, was tabled.

Yeas 58; Nays 20.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Box, Britnell, Bryant, Burke, Buskey (JL), Carothers, Carter, Clark (W), Coburn, Dillard, Drake, Faulk, Flowers, Freeman, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Holley, Johnson (RG), Johnson (RW), Kennedy, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McKee, McMillan, Mikell, Newman, Newton, Parker, Penry, Perdue, Poole, Rains, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (L) and Zoghby.

—58

Nays:

Reps. Adams, Beers, Biddle, Breedlove, Brooks, Curry, Ford, Gaston, Gray, Junkins, Kvalheim, McClain, McDowell, Payne, Petelos, Rogers, Seibels, Starkey, White (G) and Wright.

—20

And the bill:

H. 46. To levelize the taxes on all tobacco products; to amend Sections 40-25-2 and 40-25-4, Code of Alabama 1975, so as to levy an additional privilege and license tax on the sale, storage, use, consumption or delivering of cigarettes within this state; to amend Section 40-25-23, Code of Alabama 1975, to provide for the disposition of the additional tobacco tax proceeds; to correct the identification of the Department of Mental Health and Mental Retardation, and provide for distribution for servicing bonds issued under the authority of Amendment 266 to the Constitution of Alabama; to provide for a single stamp system and protective distribution to replace local levies which are to be terminated or repealed; to provide for a credit system for stamp inventories in the possession of distributors at the date of implementation and to provide that the revenues generated will be distributed in part to the cities and certain counties, to the Alabama Forestry Commission, and the remainder to the General Fund of the State of Alabama.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 56; Nays 34.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Breedlove, Brooks, Bryant, Buskey (JL), Carothers, Carter, Clark (W), Coburn, Crow, Dillard, Drake, Faulk, Frazier, Fuller, Grouby, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Johnson (RG), Johnson (RW), Knight, Laird, Layson, Lindsey, Logan, Marietta, Moon, Newman, Newton, Parker, Perdue, Poole, Rains, Reed, Richardson, Slaughter, Spratt, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Willis and Zoghby.

—56

Nays:

Reps. Beers, Biddle, Blakeney, Box, Britnell, Burke, Butler, Cosby, Curry, Flowers, Ford, Freeman, Gaston, Gray, Hall, Hamilton, Hettinger, Holley, Junkins, Kvalheim, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Payne, Penry, Petelos, Seibels, Starkey, Williams and Wright.

—34

H. 27 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 27, was temporarily carried over.

H. 253 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 253, was temporarily carried over.

H. 257 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 257, was temporarily carried over.

H. 256 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 256, was temporarily carried over.

H. 255 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 255, was temporarily carried over.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Box, the rules were suspended in order to take up out of order the bill, H. 279.

And the bill:

H. 279. To amend Sections 10-2A-114, 10-2A-116, 10-2A-180, 10-2A-183, 10-2A-191, 10-2A-260, 10-2A-261, 10-2A-281 and 10-2A-282, Code of Alabama, 1975, so as to create the Secretary of State Corporations Fund, to provide for fees relating to corporations, to provide that the Secretary of State be provided copies of certain corporations filings, and to provide an appropriation from the Secretary of State Corporation Fund for the fiscal year 1988-89.

Was taken up.

SUBSTITUTE OFFERED

Rep. Box offered the following substitute to the bill, H. 279:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 10-2A-114, 10-2A-116, 10-2A-180, 10-2A-183, 10-2A-191, 10-2A-260, 10-2A-261, 10-2A-281 and 10-2A-282, Code of Alabama, 1975, so as to create the Secretary of State Corporations Fund, to provide for fees relating to corporations, to provide that the Secretary of State be provided copies of certain corporations filings, and to provide an appropriation from the Secretary of State Corporation Fund for the fiscal year 1988-89.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 10-2A-114, 10-2A-116, 10-2A-180, 10-2A-183, 10-2A-191, 10-2A-260, 10-2A-261, 10-2A-281 and 10-2A-282 are hereby amended to read as follows:

§ 10-2A-114.

"The articles of amendment and a copy thereof, or if the articles of amendment change the name of the corporation, two copies thereof shall be delivered to the probate judge. If the probate judge finds that the articles of amendment conform to law, and, if the articles of amendment change the name of the corporation, he also finds that the proposed name is then reserved under section 10-2A-26, he shall, when all fees prescribed in this chapter have been paid:

(1) Endorse on the articles of amendment and on the copy or copies thereof the word "Filed," and the hour, day, month and year of the filing thereof.

(2) File the articles of amendment in his office and certify the copy or copies thereof.

(3) Issue a certificate of amendment to which he shall affix ~~the~~ a certified copy of the articles of amendment, and return such certificate of amendment with ~~the~~ a certified copy of the articles of amendment affixed thereto to the corporation or its representative.

(4) Within ten days, forward to the secretary of state one certified copy of all articles of amendments which change or alter the name of any corporation.

§ 10-2A-116.

(a) A domestic corporation may at any time restate its articles of incorporation as theretofore amended, by a resolution adopted by the board of directors.

(b) Upon the adoption of such resolution, restated articles of incorporation shall be executed for the corporation by its president or a vice-president and by its secretary or assistant secretary and verified by one of the officers signing such articles and shall set forth all of the operative provisions of the articles of incorporation as theretofore amended together

with a statement that the restated articles of incorporation correctly set forth without change the corresponding provision of the articles of incorporation as theretofore amended and that the restated articles of incorporation supersede the original articles of incorporation and all amendments thereto.

(c) The restated articles of incorporation and ~~a copy~~ two copies thereof shall be delivered to the probate judge. If the probate judge finds that such restated articles of incorporation conform to law, he shall, when all fees prescribed in this chapter have been paid:

(1) Endorse on the restated articles of incorporation and on the ~~copy~~ copies thereof the word "Filed," and the hour, day, month and year of filing thereof.

(2) File the restated articles of incorporation in his office and certify ~~the copy~~ two copies thereof.

(3) Issue a restated certificate of incorporation, to which he shall affix ~~the a~~ a certified copy the restated articles of incorporation and return such restated certificate of incorporation with ~~the a~~ a certified copy of the restated articles of incorporation affixed thereto to the corporation or its representative.

(4) Within ten days after the issuance of a restated certificate of incorporation, transmit to the secretary of state a copy of the restated certificate of incorporation with a certified copy of the restated articles of incorporation attached thereto, indicating thereon the place, and time of filing of the restated articles of incorporation.

(d) Upon the issuance of the restated certificate of incorporation, the restated articles of incorporation shall become effective and shall supersede the original articles of incorporation and all amendments thereto.

§ 10-2A-180.

"(a) A corporation which has not commenced business and which has not issued any shares, may be voluntarily dissolved by its incorporators at any time in the following manner:

(1) Articles of dissolution shall be executed by a majority of the incorporators, and verified by them, and shall set forth:

a. The name of the corporation.

b. The date of issuance of its certificate of incorporation.

c. That none of its shares has been issued.

d. That the corporation has not commenced business.

e. That the amount, if any, actually paid in for subscriptions for its shares, less any part thereof disbursed for necessary expenses, has been returned to those entitled thereto.

f. That no debts of the corporation remain unpaid.

g. That a majority of the incorporators elect that the corporation be dissolved.

(2) The articles of dissolution and ~~a copy~~ two copies thereof shall be delivered to the probate judge. If the probate judge finds that the articles

of dissolution conform to law, he shall, when all fees prescribed in this chapter have been paid:

a. Endorse on the articles of dissolution and on ~~the copy~~ each of such copies the word "Filed," and the hour, day, month and year of the filing thereof.

b. File the articles of dissolution in his office and certify ~~the copy~~ two copies thereof.

c. Issue a certificate of dissolution to which he shall affix a certified copy of the articles of dissolution and return such certificate of dissolution with ~~the a~~ a certified copy of the articles of dissolution affixed thereto to the incorporators or their representative.

d. Within ten days after the filing of the articles of dissolution, transmit to the secretary of state a certified copy of the articles of dissolution, indicating thereon the place, date and time of filing the articles of dissolution.

(b) Upon the issuance of such certificate of dissolution, the existence of the corporation shall cease.

§ 10-2A-183.

The statement of intent to dissolve and a copy, whether by consent of shareholders or by act of the corporation, shall be delivered to the probate judge. If the probate judge finds that such statement conforms to law, he shall, when all fees prescribed in this chapter have been paid:

(1) Endorse on the statement of intent to dissolve, the word "Filed," and the hour, day, month and year of the filing thereof.

(2) File the statement of intent to dissolve in his office.

(3) Within ten days after the filing of the statement of intent to dissolve, transmit to the secretary of state a certified copy of the statement of intent to dissolve, indicating thereon the place, date and time of filing the statement of intent to dissolve.

§ 10-2A-191.

"(a) The articles of dissolution and ~~a copy~~ two copies thereof shall be delivered to the probate judge. If the probate judge finds that such articles of dissolution conform to law, he shall, when all fees prescribed in this chapter have been paid:

(1) Endorse on the articles of dissolution and on ~~the copy~~ each of such copies the word "Filed," and the hour, day, month and year of the filing thereof.

(2) File the articles of dissolution in his office and certify ~~the copy~~ two copies thereof.

(3) Issue a certificate of dissolution to which he shall affix a certified copy of the articles of dissolution, and return such certificate of dissolution with the certified copy of the articles of dissolution affixed thereto to the representative of the dissolved corporation.

(4) Within ten days after the issuance of a certificate of dissolution, transmit to the secretary of state a certified copy of the articles of dissolution, indicating thereon the place, date and time of filing of such statement.

(b) Upon the issuance of such certificate of dissolution, the existence of the corporation shall cease, except for the purpose of suits, other proceedings and appropriate corporate action by shareholders, directors and officers as provided in this chapter.

§ 10-2A-260.

(a) Each domestic corporation, and each foreign corporation authorized to transact business in this state, shall file, within the time prescribed by this chapter, and annual report setting forth:

(1) The name of the corporation and the state or country under the laws of which it is incorporated.

(2) The address of the registered office of the corporation in this state, and the name of its registered agent in this state at such address, and, in case of a foreign corporation, the address of its principal office in the state or country under the laws of which it is incorporated.

(3) A brief statement of the character of the business in which the corporation is actually engaged in this state.

(4) The names and respective addresses of the president and secretary of the corporation.

(b) Such annual report shall be made on prescribed forms and the information therein contained shall be given as of the date of the execution of the report. It shall be executed for the corporation by its president, a vice-president, secretary, and assistant secretary, or treasurer, and verified by the officer executing the report, or, if the corporation is in the hands of a receiver or trustee, it shall be executed on behalf of the corporation and verified by such receiver or trustee.

(c) The public record information filed with the department of revenue, pursuant to sections 40-14-21 and 40-14-22, shall constitute and be accepted in lieu of the annual report required pursuant to this section, provided that a \$10.00 fee for the state of Alabama accompany the public record information filed by the corporation annually with the department of revenue. The fee for the annual report shall be deposited in the state treasury to the credit of the secretary of state corporations fund as prescribed by section 10-2A-281, Code of Alabama.

§10-2A-261.

Such annual report of a domestic or foreign corporation shall be delivered to the secretary of state between the first day of January and the fifteenth day of March of each year except that the first annual report of a domestic or foreign corporation shall be filed between the first day of January and the fifteenth day of March of the year, next succeeding the calendar year in which its certificate of incorporation or its certificate of authority, as the case may be, was issued by the secretary of state. Proof to the satisfaction of the secretary of state that prior to the fifteenth day of March such report was deposited in the United States mail in a sealed envelope, properly addressed, with postage prepaid, shall be deemed a compliance with this requirement. If the secretary of state finds that such report conforms to the requirements of this chapter, he shall file the same. If he finds that it does not so conform, he shall promptly return the same to the corporation for any necessary corrections, in which event the penalties hereinafter prescribed for failure to file such report within the time hereinabove provided shall not

apply, if such report is corrected to conform to the requirements of this chapter and returned to the secretary of state within 30 days from the date on which it was mailed to the corporation by the secretary of state.

The public record information filed with the department of revenue, pursuant to sections 40-14-21 and 40-14-22, shall constitute and be accepted in lieu of the annual report required pursuant to this section, provided that a \$10.00 fee for the state of Alabama accompany the public record information filed by the corporation annually with the department of revenue. The fee for the annual report shall be deposited in the state treasury to the credit of the secretary of state corporations fund as prescribed by section 10-2A-281, Code of Alabama.

§ 10-2A-281.

“(a) In lieu of all other charges and fees the probate judge shall charge and collect in accordance with the provisions of this chapter:

(1) Filing articles of incorporation and issuing a certificate of incorporation, ~~\$20.00~~ 40.00 for the state of Alabama and ~~\$25.00~~ 35.00 for the probate judge.

(2) Filing articles of corrections, \$10.00 for the probate judge.

(3) Filing articles of amendment and issuing a certificate of amendment, \$10.00 for the probate judge, and filing articles of amendment which change or affect the name of a corporation only, \$10.00 for the state of Alabama.

(4) Filing restated articles of incorporation, \$25.00 for the probate judge, and \$10.00 for the state of Alabama.

(5) Filing articles of merger or consolidation and issuing a certificate of merger or consolidation, ~~\$75.00~~ 50.00 for the state of Alabama and \$25.00 for the probate judge.

(6) Filing an application to reserve a corporate name, ~~\$5.00~~ 10.00 for the state of Alabama.

(7) Filing a notice of transfer of a reserved corporate name, \$5.00 for the state of Alabama.

(8) Filing a statement of change of address of registered office or change of registered agent, or both, \$5.00 for the state of Alabama.

(9) Filing a statement of the establishment of a series of shares, \$5.00 for the probate judge.

(10) Filing a statement of cancellation of shares, \$5.00 for the probate judge.

(11) Filing a statement of reduction of stated capital, \$5.00 for the probate judge.

(12) Filing a statement of intent to dissolve, \$5.00 for the probate judge, and \$10.00 for the state of Alabama.

(13) Filing a statement of revocation of voluntary dissolution proceedings, \$5.00 for the probate judge.

(14) Filing articles of dissolution, \$5.00 for the probate judge, and \$10.00 for the state of Alabama.

(15) Filing an application of a foreign corporation for a certificate of authority to transact business in this state and issuing a certificate of authority, ~~\$75.00~~ 175.00 for the state of Alabama.

(16) Filing an application of a foreign corporation for an amended certificate of authority to transact business in this state and including an amended certificate of authority, \$25.00 for the state of Alabama.

(17) Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to transact business in this state, \$25.00 for the state of Alabama.

(18) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to transact business in this state, \$100.00 for the state of Alabama.

(19) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, ~~\$5.00~~ 20.00 for the state of Alabama.

(20) Filing an annual report or any other statement or report, of a domestic or foreign corporation, \$10.00 for the state of Alabama.

(b) When appropriate two checks shall accompany the document, one payable to the probate judge for all charges for the probate judge, and one payable to the state of Alabama covering all charges for the secretary of state. The check for the secretary of state will be forwarded by the probate judge to the secretary of state.

(c) There is hereby created in the state treasury a fund to be known and designated as the Secretary of State Corporations Fund. All funds, fees, charges, costs and collections accruing to or collected by the office of the Secretary of State under the provisions of Section 10-2A-281, 10-2A-260, 10-2A-261, or any other fees collected by the secretary of state relating to corporations shall be deposited into the state treasury to the credit of the Secretary of State Corporations Fund except as so provided in section (e).

(d) All funds now or hereafter deposited in the state treasury to the credit of the Secretary of State Corporations Fund shall not be expended for any purpose whatsoever unless the same shall have been allotted and budgeted in accordance with the provisions of Article 4 of Chapter 4 of Title 41 of the Code of Alabama, 1975, and only in the amounts and for the purposes provided by the legislature in the general appropriation bill or this act.

(e) Funds collected by the secretary of state in relation to corporations during the fiscal year shall be deposited to the credit of the state general fund by the following percentages:

1. Fiscal Year 1988-89-35% of total collections for fiscal year 1988-89.
2. Fiscal Year 1989-90-51% of total collections for fiscal year 1989-90.
3. Fiscal Year 1990-91-66% of total collections for fiscal year 1990-91.
4. Fiscal Year 1991-92-77% of total collections for fiscal year 1991-92.
5. Fiscal Year 1992-93 and each fiscal year thereafter-80% of total collections for that fiscal year.

(f) There is hereby appropriated to the Secretary of State Corporations Fund from fees deposited into said fund for the fiscal year ending September

30, 1989 \$881,000.00. Such appropriation shall be in addition to any other appropriations to the office of Secretary of State.

~~(e) (f) The fees herein imposed for the state of Alabama shall be collected by the secretary of state and paid into the treasury of the state. The fees herein imposed for the office of the probate judge shall be charged and paid into the appropriate county treasury or to the probate judge as may be authorized or required by law.~~

§10-2A-282.

~~"The probate judge or secretary of state shall charge and collect:~~

~~(1) For furnishing a certified copy of any document, instrument or paper relating to a corporation, \$1.50 per page and \$1.50 for the certificate and affixing the seal thereto.~~

~~"The Secretary of State shall charge and collect:~~

~~(1) For furnishing a certified copy of any document, instrument or paper relating to a corporation, \$1.00 per page and \$5.00 for the certificate and affixing the seal thereto.~~

~~(2) At the time of any service of process on the secretary of state as resident agent of a corporation, an amount as prescribed pursuant to law or rule of court.~~

~~(3) For requests of immediate expedition by the secretary of state regarding document filings, certifications, and certificates in addition to required fees a \$10.00 surcharge shall be imposed.~~

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Butler, Campbell, Carothers, Carter, Cosby, Crow, Curry, Dillard, Faulk, Flowers, Frazier, Fuller, Gaston, Goodwin, Grouby, Hamilton, Hammett, Harper, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Mikell, Newman, Newton, Payne, Penry, Perdue, Petelos, Poole, Richardson, Seibels, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

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And the bill, H. 279 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 7.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Butler, Campbell, Carothers, Carter, Cosby, Crow, Curry, Dillard, Faulk, Flowers, Frazier, Fuller, Gaston, Goodwin, Grouby, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, McDowell, McMillan, Newman, Newton, Penry, Perdue, Petelos, Poole, Richardson, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

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Nays:

Reps. Buskey (JE), Ford, Hooper, Junkins, Mathis, McKee and Payne.

—7

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Johnson (RG), the rules were suspended in order to take up out of order the bill, H. 319.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 45. To make a supplemental appropriation to the Alabama Real Estate Commission from the Real Estate Commission Fund for capital outlay for the fiscal year ending September 30, 1988.

Also:

H. 205. To amend Sections 32-8-6, 32-8-7 and 32-8-87, Code of Alabama 1975, relating to the Uniform Certificate of Title and Theft Act, so as to simplify the motor vehicle title transaction fee schedule; to increase certain commissions and fees for services rendered; and to clarify inspection procedures for obtaining titles for rebuilt vehicles.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 209. To amend section 32-6-17, Code of Alabama 1975, relating to driver's license fees, so as to increase the reinstatement fee, to make the fee applicable for each action and to require the licensee, upon reinstatement, to obtain a duplicate license with a new photograph and current personal

data to ensure that the records of the department of public safety are kept up-to-date.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 40. COMMENDING YVONNE KENNEDY UPON HER ELECTION TO THE NATIONAL PRESIDENCY OF DELTA SIGMA THETA SORORITY.

Also:

H. J. R. 43. NAMING A PORTION OF STATE HIGHWAY 17 IN SUMTER COUNTY, ALABAMA, IN HONOR OF DR. MARTIN LUTHER KING, JR.

Also:

H. J. R. 74. COMMENDING W. F. (NOOPIE) COSBY, JR., OF SELMA, ALABAMA, LEGISLATIVE CONSERVATIONIST OF THE YEAR.

Also:

H. J. R. 75. COMMENDING W. F. (NOOPIE) COSBY, JR., RECIPIENT OF THE ALABAMA TRAVEL COUNCIL'S AWARD OF EXCELLENCE.

Also:

H. J. R. 110. COMMENDING LOUISE PITTMAN FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

Also:

H. J. R. 113. CONGRATULATING THE UMS PREPARATORY SCHOOL BASEBALL TEAM AS OUR 1988 STATE 3A CHAMPIONS.

Also:

H. J. R. 115. COMMENDING MAX V. MCCLAUGHLIN ON HIS DISTINGUISHED MILITARY CAREER.

Also:

H. J. R. 117. CONGRATULATING SWEET WATER HIGH SCHOOL ON THE CLASS 1A STATE BASEBALL CHAMPIONSHIP.

Also:

H. J. R. 119. MOURNING THE DEATH OF GEORGE ERNEST HARRIS OF HUNTSVILLE, ALABAMA.

Also:

H. J. R. 120. COMMENDING 1988 BOYS STATE GOVERNOR, MICHAEL WARD OF HUNTSVILLE, ALABAMA.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 8. COMMENDING THE PILOT CLUB OF NORTHPORT ON ITS "SUCCESS THROUGH SERVICE" AND CONTRIBUTIONS TO THE NORTHPORT COMMUNITY.

Also:

H. J. R. 9. CONGRATULATING THE PICKENS ACADEMY PIRATES ON THEIR OUTSTANDING 1988 BASEBALL SEASON AND FIRST PLACE RANKING IN APSA COMPETITION.

Also:

H. J. R. 20. COMMENDING THE SCOTTSBORO CITY SCHOOLS AND STAFF ON THE ESTABLISHMENT AND OPERATION OF AN EXEMPLARY INDIAN EDUCATION PROGRAM.

Also:

H. J. R. 24. COMMENDING THE PELL CITY BRONCO ALL-STARS ON THEIR OUTSTANDING SEASON.

Also:

H. J. R. 25. COMMENDING JOYCE CLARK FOR OUTSTANDING VOLUNTEER SERVICE TO THE PELL CITY COMMUNITY.

Also:

H. J. R. 26. COMMENDING JOYCE G. NIX FOR DISTINGUISHED SERVICE TO THE GREATER PELL CITY CHAMBER OF COMMERCE AND THE COMMUNITY.

Also:

H. J. R. 27. CONGRATULATING MR. AND MRS. JOHN C. BELL ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 29. CONGRATULATING THOMASVILLE HIGH SCHOOL ON THE CLASS 4A STATE BASEBALL CHAMPIONSHIP.

McDOWELL LEE,
Secretary.

H. 319 RESUMED

And the bill:

H. 319. To increase the sales tax on certain alcoholic beverages and provides for its distribution.

Was taken up.

SUBSTITUTE OFFERED

Rep. Carothers offered the following substitute to the bill, H. 319:

A BILL
TO BE ENTITLED
AN ACT

To provide for the levy of a six percent (6%) sales tax surcharge on the sale of certain spirituous or fermented alcoholic beverages, excluding beer or other malt beverages and wines, which are sold for on-premises consumption, to be paid on a per drink basis by all clubs, bars, or other establishments which serve the aforementioned beverages; that the provisions of this act shall be administered by the department of revenue; that the commissioner of revenue shall have the authority to promulgate necessary rules and regulations for the administration and enforcement of the provisions of this act; that revenues generated by said tax shall be placed in the state's general fund.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the purposes of this act, the following words shall have the meanings herein ascribed, except where the context directly requires otherwise:

(1) "A drink" is herein defined to include any alcoholic beverage serving consisting of all straight or undiluted alcoholic beverages, all mixed drinks, and all pre-packaged mixed drinks and alcoholic beverages, excluding beer or malt beverages and wines, which are produced and packaged on or off premises, but are sold for on-premises consumption.

(2) "Alcoholic beverages" is herein defined to include any spirituous or fermented, or other alcoholic beverages, or combination of liquors and mixed liquor, a part of which, excluding beer or malt beverages and wines, is spirituous or fermented, or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes, which contain one-half of one percent or more of alcohol by volume, and shall include fortified liquor.

(3) "Clubs, bars, or other establishments" shall be construed to include any individual, firm, copartnership, association, corporation, or other entity, as defined under Section 40-23-1(a)(1), Code of Alabama 1975, as amended, engaged in the act of selling or distributing at retail alcoholic beverages for on-premises consumption.

(4) "Commissioner" as used herein, is hereby defined as the commissioner of the department of revenue of the state of Alabama.

(5) "Department" as used herein, is hereby defined as the department of revenue of the state of Alabama.

(6) "Retail sale" for the purposes of this act, is herein defined to be the sale of drinks, as defined in (3) above, to the ultimate consumer for on-premises consumption.

(7) "Sales price" is herein defined as the value proceeding or accruing from the sale of drinks as defined in (3) above without any deductions for any other taxes or fees levied by this state.

Section 2. There is hereby levied in addition to all other taxes of every kind now imposed by law, to be collected, administered, and distributed as herein provided, a sales tax surcharge on the retail sale of drinks by clubs, bars, or other establishments, at the rate of six percent (6%) of the sales price.

Section 3. The proceeds from the sales tax surcharge herein levied, less the department's actual cost for administration and collection, not to exceed ten percent (10%), shall be deposited in the state treasury to the credit of the state general fund.

Section 4. The tax herein levied shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues.

On or before the twentieth of each month, every person on whom the tax is herein levied shall render to the department of revenue, a true and correct statement showing the gross sales for the next preceding month; the amount of sales which are not subject to the tax and the nature thereof; together with such other information as the department may demand and require. At the time of making such monthly report such person shall compute the tax due and shall pay to the department of revenue the amount of tax shown to be due.

The department of revenue, for good cause, may extend the time for making any return required under the provisions of this act, but the time for filing any such return shall not be extended for a period greater than 30 days from the date such return is due to be made.

Section 5. The provisions of this act shall be administered and the tax herein levied shall be collected in accordance with the procedures set forth in Sections 40-23-8 through 40-23-23 and 40-23-25 through 40-23-33, Code of Alabama 1975, as amended, and for such purposes there are hereby incorporated by reference the aforementioned sections, together with the definitions applicable to said sections contained in Section 40-23-1.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed only to the extent of such conflict.

Section 8. This act shall become effective October 1, 1988, following its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO CARRY OVER

Rep. White (G) offered the motion to temporarily carry over the bill, H. 319, and the pending substitute.

MOTION TO TABLE LOST

The motion offered by Rep. Carothers to table the motion to carry over offered by Rep. White (G), was lost.

Yeas 34; Nays 48.

Yeas:

Reps. Adams, Black, Breedlove, Carothers, Crow, Dillard, Faulk, Flowers, Frazier, Fuller, Goodwin, Grouby, Hamilton, Haynes, Headley, Hill, Hogan,

Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Laird, Layson, Marks, McKee, Moon, Newman, Poole, Richardson, Starkey, Venable, Walker and Willis.

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Nays:

Reps. Beasley, Beers, Biddle, Box, Bryant, Bugg, Buskey (JL), Carter, Clark (W), Coburn, Cosby, Curry, Davis, Escott, Freeman, Gaston, Gray, Grayson, Hall, Hammett, Harper, Harvey, Hettinger, Higginbotham, Knight, Kvalheim, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Newton, Payne, Penry, Perdue, Petelos, Rogers, Seibels, Spratt, Turner, Turnham, Warren, White (F), White (G), White (L), Wright and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 233. To impose an excise tax on illegal possession, distribution, sales, use and other transactions involving certain drugs or controlled substances and to provide for disposition of the proceeds of the tax; and to provide for criminal penalties for violating this act.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 1. To propose a self-executing amendment to the Constitution of Alabama of 1901, relative to the compensation of the judge of probate of Autauga County.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 181. Relating to Coosa County, providing for an advisory referendum regarding Coosa County Commission members' compensation and the Coosa County Commission chairman's right to vote.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 163. Relating to employment security programs of the Department of Industrial Relations so as to provide for an assessment of 0.06% against wages paid by certain employers for a three-year period beginning January 1, 1989 and ending December 31, 1991; to provide for the collection, appropriation and disbursement of such assessment, and to provide for the establishment of the "Employment Security Administration Enhancement Fund" in the state treasury; to amend Sections 25-4-31, 25-4-54 and 25-4-143, Code of Alabama 1975, as amended, all relating to the Unemployment Compensation Trust Fund, so as to provide for a reduction of 0.06% in the rates of unemployment compensation contributions of certain employers effective for calendar years beginning on January 1, 1989 and ending on December 31, 1991, to provide for the appropriation of this and other revenue and for the transfer from the clearing account certain moneys into certain separate special funds in the state treasury.

Also:

H. 188. To amend sections 25-4-72, 25-4-73, 25-4-76 and 25-4-77, Code of Alabama 1975, relating to the Unemployment Compensation Act effective for weeks within benefit years beginning on and after January 1, 1989, so as to increase maximum weekly unemployment benefits to \$145, compute such weekly benefits on the average of the covered wages paid to an individual during the two quarters of his base period in which such wages were highest.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker Pro Tem of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 285. To propose an amendment to the Constitution of Alabama of 1901, to authorize the governing body of the City of Anniston in Calhoun County to appropriate public funds to the East Alabama United Cerebral Palsy Center.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to-wit:

H. 104. Relating to Pickens County; providing an expense allowance for members of the board of registrars retroactive to October 1, 1985, and providing that such expense allowance shall remain in effect either until September 30, 1991 or until the provisions of Act 88-659 of the 1988 Regular Session are implemented, whichever occurs first, at which occurrence the county governing body shall by resolution either terminate or continue such expense allowance.

Also:

H. 170. To authorize the Greene County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Also:

H. 178. Relating to Etowah County; to authorize the probate judge to set the fee for supplying a copy of an instrument; to place the proceeds from the fees in a special fund and provide for its use.

Also:

H. 264. To authorize the Choctaw County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

Also:

H. 302. Relating to Etowah County, providing further for the expense allowance of the constable and providing for a retroactive effect.

Also:

H. J. R. 4. CONGRATULATING MR. AND MRS. THEODORE S. OWENS ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 5. COMMENDING MARTHA KIRKLAND OF BREWTON, ALABAMA, UPON HER RETIREMENT AS JUDGE OF PROBATE OF ESCAMBIA COUNTY.

Also:

H. J. R. 7. COMMENDING JOHN D. LAMMERS FOR DISTINGUISHED SERVICE TO BOY SCOUTS OF AMERICA.

Also:

H. J. R. 124. COMMENDING JEREMY LOWERY OF MARGARET, ALABAMA.

Also:

H. J. R. 126. COMMENDING A. F. WHITMAN UPON HIS RETIREMENT FROM THE SYLACAUGA CHAMBER OF COMMERCE.

Also:

H. J. R. 127. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON EMERGENCY MEDICAL SERVICES.

Also:

H. J. R. 130. COMMENDING MAJOR GENERAL GARY COOPER OF MOBILE, ALABAMA.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker Pro Tem of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 319 RESUMED

MOTION TO CARRY OVER LOST

The motion offered by Rep. White (G) to temporarily carry over the bill, H. 319, and the pending substitute was lost.

Yeas 45; Nays 46.

Yeas:

Reps. Beers, Biddle, Box, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Carter, Clark (W), Cosby, Crow, Curry, Davis, Flowers, Freeman, Gaston, Gray, Grayson, Hall, Hettinger, Holmes, Junkins, Kennedy, Kvalheim, Logan, Marietta, Mathis, McClain, McDowell, McMillan, Mikell, Payne, Penry, Petelos, Rogers, Seibels, Slaughter, Turner, Turnham, White (F), White (G), Wright and Zoghby.

—45

Nays:

Reps. Adams, Beasley, Black, Blakeney, Breedlove, Britnell, Carothers, Coburn, Dillard, Escott, Faulk, Frazier, Fuller, Goodwin, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Laird, Layson, Marks, McKee, Melton, Moon, Newman, Newton, Perdue, Poole, Rains, Richardson, Spratt, Starkey, Thomas, Venable, Walker, Warren, White (L) and Willis.

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NOTICE IN WRITING

Rep. Rogers filed the following Notice in Writing:

Notice is given that on the next Legislative Day, I will move that the Standing Committee on Tourism, Entertainment and Sports be directed to act on H. B. 339 which is now pending before such committee and to thereafter report said bill to the House at its next sitting.

H. 319 RESUMED

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Carothers to the bill, H. 319, and the substitute was adopted.

Yeas 54; Nays 26.

Yeas:

Reps. Adams, Beasley, Black, Blakeney, Breedlove, Bryant, Campbell, Carothers, Coburn, Cosby, Crow, Dillard, Escott, Faulk, Flowers, Frazier, Fuller, Goodwin, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Junkins, Laird, Layson, Marks, McDowell, McMillan, Moon, Newman, Newton, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Spratt, Turner, Turnham, Venable, Warren, White (F), White (L), Williams and Willis.

—54

Nays:

Reps. Beers, Box, Brooks, Bugg, Buskey (JE), Buskey (JL), Butler, Clark (W), Curry, Freeman, Gaston, Gray, Hettinger, Hooper, Kennedy, Kvalheim,

Marietta, Mathis, McKee, Melton, Mikell, Payne, Seibels, White (G), Wright and Zoghby.

—26

And the bill:

H. 319. To provide for the levy of a six percent (6%) sales tax surcharge on the sale of certain spirituous or fermented alcoholic beverages, excluding beer or other malt beverages and wines, which are sold for on-premises consumption, to be paid on a per drink basis by all clubs, bars, or other establishments which serve the aforementioned beverages; that the provisions of this act shall be administered by the department of revenue; that the commissioner of revenue shall have the authority to promulgate necessary rules and regulations for the administration and enforcement of the provisions of this act; that revenues generated by said tax shall be placed in the state's general fund.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 46; Nays 33.

Yeas:

Reps. Adams, Beasley, Black, Blakeney, Breedlove, Bryant, Butler, Campbell, Carothers, Coburn, Crow, Dillard, Drake, Faulk, Flowers, Frazier, Fuller, Goodwin, Grouby, Hamilton, Harper, Harvey, Haynes, Headley, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Laird, Layson, Marks, McKee, Moon, Newman, Newton, Perdue, Poole, Richardson, Spratt, Starkey, Turner, Turnham, Warren, White (L) and Willis.

—46

Nays:

Reps. Beers, Blake, Box, Bugg, Buskey (JE), Buskey (JL), Clark (W), Cosby, Curry, Freeman, Gaston, Gray, Grayson, Hall, Hettinger, Johnson (RW), Junkins, Kennedy, Kvalheim, Marietta, Mathis, McDowell, McMillan, Payne, Penry, Petelos, Rogers, Seibels, White (F), White (G), Williams, Wright and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 29. COMMENDING H. A. ALEXANDER FOR OUTSTANDING SERVICE TO THE CITY OF MOULTON, ALABAMA.

Also:

S. J. R. 38. MOURNING THE DEATH OF FRED L. SANDERSON OF MOBILE, ALABAMA.

Also:

S. J. R. 39. COMMENDING ASSISTANT POLICE CHIEF LEWIS FINN FOR OUTSTANDING SERVICE TO THE CHILDERSBURG COMMUNITY.

Also:

S. J. R. 40. COMMENDING IRA FINN FOR DISTINGUISHED SERVICE TO THE POLICE DEPARTMENT OF CHILDERSBURG, ALABAMA, AND TO THE COMMUNITY.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Reps. Gray and Turner:

H. R. 132. DEMANDING A RETRACTION BY AEA EXECUTIVE SECRETARY, PAUL R. HUBBERT, OF ERRONEOUS INFORMATION PUBLISHED IN THE ALABAMA SCHOOL JOURNAL.

WHEREAS, on page three of the September 2, 1988, issue of the Alabama School Journal, the pictures and names of 34 members of this body appeared under the headline, "they voted for only a 5% raise," while 58 members pictured and named on page two are identified as those voting to "fund a 7.5% raise"; and

WHEREAS, in paragraph three of this article Dr. Hubbert refers to a vote on a Ways and Means Committee substitute for a 7.5% raise as being the "crucial vote" on salaries; and

WHEREAS, in reality, however, the "crucial vote," resulting in approval by the House of the 7.5% increase in educators' salaries, was on H. B. 65 which is duly recorded in the official House Journal, showing that the bill passed by a vote of 93-0, a mathematical impossibility had 34 members voted for only a 5% raise; and

WHEREAS, Dr. Hubbert, we assume, will agree that, in simple arithmetic, two plus two still equals four, just as it still takes 58—those identified as voting for the 7.5% raise—plus 35 to equal the 93 yeas recorded for H. B. 65; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby demand that Dr. Paul Hubbert, Editor of the Alabama School Journal with its circulation of 64,000 misinformed subscribers, publish a retraction of the erroneous information in the aforementioned article and that said retraction again include pictures and names of those so falsely accused.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to immediately forward a copy of this resolution to Editor Paul R. Hubbert, and that a copy also be forwarded to Mr. Garland Pounds, president of the Alabama Education Association.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Gray offered the motion to suspend the rules and adopt the resolution, H. R. 132.

DIVISION OF THE QUESTION

Rep. Johnson (RW) called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Gray to suspend the rules in order to take up for immediate consideration the resolution, H. R. 132, and the motion was lost.

Yeas 24; Nays 39.

Yeas:

Reps. Adams, Beers, Blakeney, Breedlove, Curry, Escott, Frazier, Gray, Hamilton, Headley, Hooper, Knight, Kvalheim, Layson, Lindsey, McKee, McMillan, Mikell, Payne, Petelos, Seibels, Turner, White (G) and Wright.

—24

Nays:

Reps. Black, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Coburn, Davis, Drake, Fuller, Goodwin, Grayson, Hall, Harvey, Haynes, Higginbotham, Holley, Johnson (RW), Junkins, Kennedy, Marietta, Mathis, McClain, McDowell, Melton, Moon, Newman, Newton, Parker, Perdue, Rogers, Spratt, Starkey, Venable, Williams and Zoghby.

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The resolution, H. R. 132, was read and referred to the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

Rep. Holley offered the motion to suspend the rules in order to take up out of order the bill, H. 132, and the motion was adopted.

And the bill:

H. 132. (With Amendments): To levy a fee of \$13.00 per ton on operators of commercial sites for the disposal of hazardous waste or hazardous substances for each ton of hazardous waste or hazardous substance received for disposal at such sites; to define certain terms; to provide for penalties and interest charge for non-compliance, departmental cost for collection, authority for rulemaking, and general record keeping requirements for commercial hazardous waste or hazardous substance disposal facility operators; and to provide that the operators of such sites shall pay all such fees levied to the State General Fund.

Was taken up.

SUBSTITUTE OFFERED

Rep. Cosby offered the following substitute to the bill, H. 132, and to the pending amendments reported by the Standing Committee on Ways and Means:

A BILL
TO BE ENTITLED
AN ACT

To levy a fee of \$8.00 per ton on operators of commercial sites for the disposal of hazardous waste or hazardous substances for each ton of hazardous waste or hazardous substance received for disposal and disposed of at such sites; to define certain terms; to provide for penalties and interest charge for non-compliance, departmental cost for collection, authority for rulemaking, and general record keeping requirements for commercial hazardous waste or hazardous substance disposal facility operators; and to provide that the operators of such sites shall pay all such fees levied to the State General Fund.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. When used in this act and except where the context prohibits, the following words and terms shall have the following meanings:

(1) **COMMERCIAL SITE FOR THE DISPOSAL OF HAZARDOUS WASTE OR HAZARDOUS SUBSTANCES.** A site or facility receiving hazardous waste or hazardous substances, as defined herein, not generated on site, for disposal and to which a fee is paid or other consideration given for such disposal.

(2) **DISPOSAL.** The discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous waste or hazardous substance into or on any land or water so that such hazardous waste or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters including groundwaters at a commercial site within the State of Alabama for the disposal of hazardous waste or hazardous substances as defined herein.

(3) **HAZARDOUS SUBSTANCE(S).** Any substance defined as a hazardous substance pursuant to 42 U.S.C. §9601(14), as amended, or listed as a hazardous waste pursuant to the Code of Alabama 1975, Section 22-30-10, as amended.

(4) **HAZARDOUS WASTE(S).** Those wastes defined at Section 22-30-3(5), Code of Alabama 1975, as amended, or listed pursuant to Section 22-30-10, Code of Alabama 1975, as amended, or department regulations.

(5) **OPERATOR.** Any person, firm, or corporation owning or operating such facility or site.

(6) **TON.** A short ton of 2,000 pounds.

Section 2. There is hereby levied a fee to be paid by the operators of each commercial site for the disposal of hazardous waste or hazardous substances in the amount of \$8.00 per ton for all hazardous waste or hazardous substance received for disposal, and actually disposed of, at such site.

Section 3. The proceeds from the fee herein levied, less the department of revenue's actual cost for administration and collection, not to exceed ten

per centum (10%), shall be deposited into the general budgetary fund of the State to be used for general operations.

Section 4. All fees levied under this Act shall be paid to the State department of revenue no later than the thirtieth day of the month next following receipt of such hazardous waste or hazardous substance for disposal. Any person, firm or corporation which fails to pay the fee herein levied, within the time required shall pay, in addition to such fee, a penalty of 25 percent of the amount of the fee due, together with interest thereon at the annual rate prescribed under section 40-1-44, from the date at which the fee levied under the provisions of this act became due and payable, such penalty and interest to be assessed and collected as part of the fee itself.

Section 5. (a) If any operator covered by the provisions of this act shall fail to make the monthly reports prescribed herein and pay the fee hereby imposed on or before the thirtieth day of the calendar month following the receipt of such hazardous waste or hazardous substance for disposal, the department of revenue shall make a report for such delinquent operator upon such information as it may reasonably obtain, assess the fee thereon and for failure to make such report and pay the fee herein imposed, add a penalty of 10 percent of the fee due on the amount as assessed by the commissioner of revenue. If, in the opinion of the department of revenue, a good and sufficient cause is shown for such delinquency, the commissioner of revenue may remit the penalty, otherwise the fee and penalty shall be paid.

(b) If no fee is defined herein is due from any operator covered by the provisions of this act, the operator nevertheless shall be required to submit the monthly reports as required herein, failure to submit such monthly reports may result in the assessment of a penalty by the department of revenue in any amount not to exceed \$250.00.

Section 6. Any operator covered by the provisions of this act who willfully renders a false or fraudulent report, shall be assessed by the department of revenue a penalty of fifth percent of the total amount of the fees due.

Section 7. If any operator fails to make the monthly reports herein required, the department of revenue shall issue written notice, by certified or registered mail, to such operator to make such reports forthwith, and if such operator fails or refuses to make such report, or reports, within 30 days from the date of such notice, then the department shall make reports for such delinquent taxpayer upon such information as it may reasonably obtain and shall assess the fees due thereon, and shall add such penalties as prescribed hereinabove for the failure to make such report and pay such fee, together with interest at the rate prescribed under section 40-1-44 from the date such fees were due. If, in the opinion of the department of revenue, a good and sufficient cause is shown for such delinquency, the commissioner of revenue may waive or remit the penalties as prescribed herein, or a portion thereof.

Section 8. The fee, together with interest and penalties imposed by this act, shall be a lien upon the property of the operator which is subject to the provisions of this act, and the provisions of the revenue laws of the State of Alabama applying to liens shall apply fully to the fees herein levied.

Section 9. The monthly report herein required shall be sworn to before some officer authorized to administer oaths, and any false or fraudulent statement to a material fact made with an intent to defraud shall constitute perjury, and upon conviction thereof the person so convicted shall be punished as provided by law.

Section 10. Any operator of a commercial site for the disposal of hazardous waste or hazardous substances shall maintain a written record for all such hazardous waste or hazardous substances received for disposal. Said record shall contain the names and addresses of all persons, firms or corporations transporting and delivering such hazardous waste or hazardous substances to said facility, and the names and locations of all persons, firms or corporations from whence said hazardous waste or hazardous substance was produced or generated, the quantity of hazardous waste or hazardous substance received by such commercial hazardous waste or hazardous substance facility, and the date of delivery and such additional information as the commissioner of revenue reasonably may require for the proper administration and enforcement of the provisions of this act. This record must be a true, accurate and correct statement of the transaction as provided for under the provisions for this act, and any personnel or persons who knowingly makes a false or fraudulent statement of a material fact with intent to defraud shall be guilty of a Class C misdemeanor and shall be punished as provided by law. The records required, under the provisions of this act, shall be maintained by the operators of said commercial site for the disposal of hazardous waste or hazardous substances, shall be available, during regular business hours, to any duly authorized agent or employee of the State of Alabama Department of Revenue, and such records shall be retained by said operators for a period of not less than three years. Any operator of such commercial site for the disposal of hazardous waste or hazardous substances which shall fail to maintain such records, or in any manner shall cause the falsification of same as to any material matter with an intent to defraud, shall be guilty of a Class C misdemeanor and shall be punished as provided by law.

Section 11. Any operator who shall violate any of the provisions of this act and shall fail to correct such violation within 60 days after notice to the operator in the manner provided in Section 7 herein may be restrained from continuing in business, and the proper prosecution shall be instituted in the name of the State of Alabama by its Attorney General, by the counsel of the Department of Revenue, or, under their direction by any district attorney of the state until such person shall have complied with the provisions of this act.

Section 12. If, upon examination by the department of revenue, it is determined that a fee has been paid in excess of that properly due, then the amount in excess shall be credited against any amount thereof then due from the operator, and any balance of such excess shall be refunded by certificate of overpayment issued by the department to the comptroller. Upon approval of such certificate by the comptroller, he shall issue his warrant on the treasurer for the amount shown by such certificate. Any fees recovered through judicial action of an operator shall be refunded in like manner, but shall be accompanied by a copy of the appropriate judgment of a court.

Section 13. All actions by the state for the recovery of additional amounts claimed under this article shall be commenced within a period of three years from the date the report was filed.

Section 14. It shall be unlawful for any person to print or publish in any manner whatever the fee report of any operator or any part thereof or the fees due thereon or to divulge to any person, except persons required or authorized to collect or audit or assist in collecting or auditing the reports or to use the information contained in any such report or acquired in auditing any such report or enforcing the provisions of this act for any purpose except

for the audit of such report and collection of the fee imposed by this act, unless the fee thereby imposed becomes delinquent; any person violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be fined not to exceed \$500.00 or sentenced to hard labor for the county for not more than 90 days, one or both for each offense, and upon conviction thereof any such person shall thereafter be ineligible to hold the office of commissioner or become or be an employee or agent of the department of revenue or under the department of revenue.

Any assistant or agent of the department of revenue who shall willfully refuse to perform the duties imposed upon him by this act or by the department of revenue shall be deemed guilty of a misdemeanor and shall be fined not exceeding \$500.00 or sentenced to hard labor for the county for not more than 90 days, one or both, for each offense.

All reports and information secured by officials or employees of the department of revenue for the purpose of arriving at fees shall be kept under lock and key by the department of revenue, and any official or employee of the state or of any county who shall divulge the contents thereof except under order of court shall be guilty of a Class C misdemeanor and shall be punishable as provided by law, and any person found guilty of violating this provision of this act shall thereafter be ineligible to hold the office of commissioner or become or be an employee or agent of the department of revenue.

Section 15. The reports and records shall remain in the office of the department of revenue and shall not be open to public inspection.

Section 16. The commissioner of revenue shall have the authority to develop and promulgate reasonable rules and regulations as needed to administer the provisions of this act.

Section 17. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 18. The provisions of this Act are cumulative and shall not be deemed to repeal existing laws. The provisions of this act are to be construed in pari materia with the provisions of the Southeast Interstate Low-Level Radioactive Waste Management Compact, Section 22-32-1, et seq., Code of Alabama 1975, as amended. If any provision of this act shall be held to be inconsistent with any provision of said Compact, the provision of said Compact shall govern.

Section 19. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Rep. Johnson (RW), the substitute offered by Rep. Cosby to the bill, H. 132, and to the pending amendments was tabled.

Yeas 49; Nays 34.

Yeas:

Reps. Black, Box, Breedlove, Bryant, Bugg, Buskey (JE), Butler, Campbell, Carothers, Clark (W), Coburn, Crow, Davis, Drake, Escott, Faulk, Flowers, Frazier, Fuller, Goodwin, Grayson, Harvey, Higginbotham, Holley,

Johnson (RG), Johnson (RW), Junkins, Kennedy, Layson, Lindsey, Marietta, McClain, McDowell, Melton, Moon, Newman, Newton, Parker, Penry, Perdue, Poole, Richardson, Rogers, Seibels, Spratt, Starkey, Warren, White (F) and Zoghby.

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Nays:

Reps. Adams, Beasley, Beers, Blakeney, Brooks, Cosby, Curry, Dillard, Gaston, Gray, Grouby, Hamilton, Hammett, Hettinger, Hill, Hogan, Hooper, Knight, Kvalheim, Laird, Logan, Marks, McKee, McMillan, Mikell, Payne, Petelos, Turner, Turnham, Venable, White (G), White (L), Willis and Wright.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Britnell would have voted "Yea" on the bill, H. 319, had he been in the Chamber at the time of voting.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 319. To provide for the levy of a six percent (6%) sales tax surcharge on the sale of certain spirituous or fermented alcoholic beverages, excluding beer or other malt beverages and wines, which are sold for on-premises consumption, to be paid on a per drink basis by all clubs, bars, or other establishments which serve the aforementioned beverages; that the provisions of this act shall be administered by the department of revenue; that the commissioner of revenue shall have the authority to promulgate necessary rules and regulations for the administration and enforcement of the provisions of this act; that revenues generated by said tax shall be placed in the state's general fund.

TOMMY CARTER,
Chairman.

And the bill, H. 319, as engrossed was ordered sent to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 52. COMMENDING MRS. MAE BELLE YANCEY FOR DISTINGUISHED SERVICE TO ETOWAH COUNTY'S DUCK SPRINGS ELEMENTARY SCHOOL.

Also:

H. J. R. 53. COMMENDING DAN S. MALONE OF GADSDEN, ALABAMA.

Also:

H. J. R. 91. DESIGNATING OCTOBER 12, 1988, AS "JACK LANG APPRECIATION DAY" IN THE CITY OF GADSDEN.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to-wit:

H. 45. To make a supplemental appropriation to the Alabama Real Estate Commission from the Real Estate Commission Fund for capital outlay for the fiscal year ending September 30, 1988.

Also:

H. 205. To amend Sections 32-8-6, 32-8-7 and 32-8-87, Code of Alabama 1975, relating to the Uniform Certificate of Title and Theft Act, so as to simplify the motor vehicle title transaction fee schedule; to increase certain commissions and fees for services rendered; and to clarify inspection procedures for obtaining titles for rebuilt vehicles.

Also:

H. 209. To amend section 32-6-17, Code of Alabama 1975, relating to driver's license fees, so as to increase the reinstatement fee, to make the fee applicable for each action and to require the licensee, upon reinstatement, to obtain a duplicate license with a new photograph and current personal data to ensure that the records of the department of public safety are kept up-to-date.

Also:

H. J. R. 8. COMMENDING THE PILOT CLUB OF NORTHPORT ON ITS "SUCCESS THROUGH SERVICE" AND CONTRIBUTIONS TO THE NORTHPORT COMMUNITY.

Also:

H. J. R. 9. CONGRATULATING THE PICKENS ACADEMY PIRATES ON THEIR OUTSTANDING 1988 BASEBALL SEASON AND FIRST PLACE RANKING IN APSA COMPETITION.

Also:

H. J. R. 20. COMMENDING THE SCOTTSBORO CITY SCHOOLS AND STAFF ON THE ESTABLISHMENT AND OPERATION OF AN EXEMPLARY INDIAN EDUCATION PROGRAM.

Also:

H. J. R. 24. COMMENDING THE PELL CITY BRONCO ALL-STARS ON THEIR OUTSTANDING SEASON.

Also:

H. J. R. 25. COMMENDING JOYCE CLARK FOR OUTSTANDING VOLUNTEER SERVICE TO THE PELL CITY COMMUNITY.

Also:

H. J. R. 26. COMMENDING JOYCE G. NIX FOR DISTINGUISHED SERVICE TO THE GREATER PELL CITY CHAMBER OF COMMERCE AND THE COMMUNITY.

Also:

H. J. R. 27. CONGRATULATING MR. AND MRS. JOHN C. BELL ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 29. CONGRATULATING THOMASVILLE HIGH SCHOOL ON THE CLASS 4A STATE BASEBALL CHAMPIONSHIP.

Also:

H. J. R. 40. COMMENDING YVONNE KENNEDY UPON HER ELECTION TO THE NATIONAL PRESIDENCY OF DELTA SIGMA THETA SORORITY.

Also:

H. J. R. 43. NAMING A PORTION OF STATE HIGHWAY 17 IN SUMTER COUNTY, ALABAMA, IN HONOR OF DR. MARTIN LUTHER KING, JR.

Also:

H. J. R. 74. COMMENDING W. F. (NOOPIE) COSBY, JR., OF SELMA, ALABAMA, LEGISLATIVE CONSERVATIONIST OF THE YEAR.

Also:

H. J. R. 75. COMMENDING W. F. (NOOPIE) COSBY, JR., RECIPIENT OF THE ALABAMA TRAVEL COUNCIL'S AWARD OF EXCELLENCE.

Also:

H. J. R. 110. COMMENDING LOUISE PITTMAN FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

Also:

H. J. R. 113. CONGRATULATING THE UMS PREPARATORY SCHOOL BASEBALL TEAM AS OUR 1988 STATE 3A CHAMPIONS.

Also:

H. J. R. 115. COMMENDING MAX V. MCLAUGHLIN ON HIS DISTINGUISHED MILITARY CAREER.

Also:

H. J. R. 117. CONGRATULATING SWEET WATER HIGH SCHOOL ON THE CLASS 1A STATE BASEBALL CHAMPIONSHIP.

Also:

H. J. R. 119. MOURNING THE DEATH OF GEORGE ERNEST HARRIS OF HUNTSVILLE, ALABAMA.

Also:

H. J. R. 120. COMMENDING 1988 BOYS STATE GOVERNOR, MICHAEL WARD OF HUNTSVILLE, ALABAMA.

Also:

H. J. R. 128. RELATIVE TO MEETING DAYS.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 233. To impose an excise tax on illegal possession, distribution, sales, use and other transactions involving certain drugs or controlled substances and to provide for disposition of the proceeds of the tax; and to provide for criminal penalties for violating this act.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 23. To amend section 32-6-15, Code of Alabama 1975, relating to fees for duplicate drivers' licenses, so as to increase the fee for a duplicate of lost or destroyed licenses.

Also:

H. 111. To amend section 32-6-8, Code of Alabama 1975, relating to learning permits for drivers' licenses, so as to provide for a four-year learner's license and increase the fees accordingly.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 46. To levelize the taxes on all tobacco products; to amend Sections 40-25-2 and 40-25-4, Code of Alabama 1975, so as to levy an additional privilege and license tax on the sale, storage, use, consumption or delivering of cigarettes within this state; to amend Section 40-25-23, Code of Alabama 1975, to provide for the disposition of the additional tobacco tax proceeds; to correct the identification of the Department of Mental Health and Mental Retardation, and provide for distribution for servicing bonds issued under the authority of Amendment 266 to the Constitution of Alabama; to provide for a single stamp system and protective distribution to replace local levies which are to be terminated or repealed; to provide for a credit system for stamp inventories in the possession of distributors at the date of implementation and to provide that the revenues generated will be distributed in part to the cities and certain counties, to the Alabama Forestry Commission, and the remainder to the General Fund of the State of Alabama.

TOMMY CARTER,
Chairman.

And the bill, H. 46 as engrossed, was ordered sent to the Senate.

S. 171 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, S. 171, from the Standing Committee on Judiciary to the Standing Committee on Health.

SUBSTITUTE OFFERED

Rep. Holley offered the following substitute to the bill, H. 132, and to the pending amendments:

A BILL
TO BE ENTITLED
AN ACT

To levy a fee of \$8.00 per ton on operators of commercial sites for the disposal of hazardous waste or hazardous substances for each ton of hazardous waste or hazardous substance received for disposal and disposed of at such sites; to define certain terms; to provide for penalties and interest charge for non-compliance, departmental cost for collection, authority for rulemaking, and general record keeping requirements for commercial hazardous waste or hazardous substance disposal facility operators; and to provide that the

operators of such sites shall pay all such fees levied to the State General Fund.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. When used in this act and except where the context prohibits, the following words and terms shall have the following meanings:

(1) **COMMERCIAL SITE FOR THE DISPOSAL OF HAZARDOUS WASTE OR HAZARDOUS SUBSTANCES.** A site or facility receiving hazardous waste or hazardous substances, as defined herein, not generated on site, for disposal and to which a fee is paid or other consideration given for such disposal.

(2) **DISPOSAL.** The discharge, deposit, injection, dumping, spilling, incineration, leaking or placing of any hazardous waste or hazardous substance into or on any land or water so that such hazardous waste or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters including groundwaters at a commercial site within the State of Alabama for the disposal of hazardous waste or hazardous substances as defined herein.

(3) **HAZARDOUS SUBSTANCE(S).** Any substance defined as a hazardous substance pursuant to 42 U.S.C. §9601(14), as amended, or listed as a hazardous waste pursuant to the Code of Alabama 1975, Section 22-30-10, as amended.

(4) **HAZARDOUS WASTE(S).** Those wastes defined at Section 22-30-3(5), Code of Alabama 1975, as amended, or listed pursuant to Section 22-30-10, Code of Alabama 1975, as amended, or department regulations.

(5) **OPERATOR.** Any person, firm, or corporation owning or operating such facility or site.

(6) **TON.** A short ton of 2,000 pounds.

Section 2. There is hereby levied a fee to be paid by the operators of each commercial site for the disposal of hazardous waste or hazardous substances in the amount of \$8.00 per ton for all hazardous waste or hazardous substance received for disposal, and actually disposed of, at such site.

Section 3. The proceeds from the fee herein levied, less the department of revenue's actual cost for administration and collection, not to exceed ten per centum (10%), shall be deposited into the general budgetary fund of the State to be used for general operations.

Section 4. All fees levied under this Act shall be paid to the State department of revenue no later than the thirtieth day of the month next following receipt of such hazardous waste or hazardous substance for disposal. Any person, firm or corporation which fails to pay the fee herein levied, within the time required shall pay, in addition to such fee, a penalty of 10 percent of the amount of the fee due, together with interest thereon at the annual rate prescribed under section 40-1-44, from the date at which the fee levied under the provisions of this act became due and payable, such penalty and interest to be assessed and collected as part of the fee itself.

Section 5. (a) If any operator covered by the provisions of this act shall fail to make the monthly reports prescribed herein and pay the fee hereby imposed on or before the thirtieth day of the calendar month following the receipt of such hazardous waste or hazardous substance for disposal, the

department of revenue shall make a report for such delinquent operator upon such information as it may reasonably obtain, assess the fee thereon and for failure to make such report and pay the fee herein imposed, add a penalty of 10 percent of the fee due on the amount as assessed by the commissioner of revenue. If, in the opinion of the department of revenue, a good and sufficient cause is shown for such delinquency, the commissioner of revenue may remit the penalty, otherwise the fee and penalty shall be paid.

(b) If no fee as defined herein is due from any operator covered by the provisions of this act, the operator nevertheless shall be required to submit the monthly reports as required herein; failure to submit such monthly reports may result in the assessment of a penalty by the department of revenue in any amount not to exceed \$250.00.

Section 6. Any operator covered by the provisions of this act who willfully renders a false or fraudulent report, shall be assessed by the department of revenue a penalty of fifty percent of the total amount of the fees due.

Section 7. If any operator fails to make the monthly reports herein required, the department of revenue shall issue written notice, by certified or registered mail, to such operator to make such reports forthwith, and if such operator fails or refuses to make such report, or reports, within 30 days from the date of such notice, then the department shall make reports for such delinquent taxpayer upon such information as it may reasonably obtain, and shall assess the fees due thereon, and shall add such penalties as prescribed hereinabove for the failure to make such report and pay such fee, together with interest at the rate prescribed under section 40-1-44 from the date such fees were due. If, in the opinion of the department of revenue, a good and sufficient cause is shown for such delinquency, the commissioner of revenue may waive or remit the penalties as prescribed herein, or a portion thereof.

Section 8. The fee, together with interest and penalties imposed by this act, shall be a lien upon the property of the operator which is subject to the provisions of this act, and the provisions of the revenue laws of the State of Alabama applying to liens shall apply fully to the fees herein levied.

Section 9. The monthly report herein required shall be sworn to before some officer authorized to administer oaths, and any false or fraudulent statement to a material fact made with an intent to defraud shall constitute perjury, and upon conviction thereof the person so convicted shall be punished as provided by law.

Section 10. Any operator of a commercial site for the disposal of hazardous waste or hazardous substances shall maintain a written record for all such hazardous waste or hazardous substances received for disposal. Said record shall contain the names and addresses of all persons, firms or corporations transporting and delivering such hazardous waste or hazardous substances to said facility, and the names and locations of all persons, firms or corporations from whence said hazardous waste or hazardous substance was produced or generated, the quantity of hazardous waste or hazardous substance received by such commercial hazardous waste or hazardous substance facility, and the date of delivery and such additional information as the commissioner of revenue reasonably may require for the proper administration and enforcement of the provisions of this act. This record must be a true, accurate and correct statement of the transaction as provided for under the provisions for this act, and any personnel or persons who knowingly makes a false or fraudulent statement of a material fact with intent to

defraud shall be guilty of a Class C misdemeanor and shall be punished as provided by law. The records required, under the provisions of this act, shall be maintained by the operators of said commercial site for the disposal of hazardous waste or hazardous substances, shall be available, during regular business hours, to any duly authorized agent or employee of the State of Alabama Department of Revenue, and such records shall be retained by said operators for a period of not less than three years. Any operator of such commercial site for the disposal of hazardous waste or hazardous substances which shall fail to maintain such records, or in any manner shall cause the falsification of same as to any material matter with an intent to defraud, shall be guilty of a Class C misdemeanor and shall be punished as provided by law.

Section 11. Any operator who shall violate any of the provisions of this act and shall fail to correct such violation within 60 days after notice to the operator in the manner provided in Section 7 herein may be restrained from continuing in business, and the proper prosecution shall be instituted in the name of the State of Alabama by its Attorney General, by the counsel of the Department of Revenue, or, under their direction by any district attorney of the state until such person shall have complied with the provisions of this act.

Section 12. If, upon examination by the department of revenue, it is determined that a fee has been paid in excess of that properly due, then the amount in excess shall be credited against any amount thereof then due from the operator, and any balance of such excess shall be refunded by certificate of overpayment issued by the department to the comptroller. Upon approval of such certificate by the comptroller, he shall issue his warrant on the treasurer for the amount shown by such certificate. Any fees recovered through judicial action of an operator shall be refunded in like manner, but shall be accompanied by a copy of the appropriate judgment of a court.

Section 13. All actions by the state for the recovery of additional amounts claimed under this article shall be commenced within a period of three years from the date the report was filed.

Section 14. It shall be unlawful for any person to print or publish in any manner whatever the fee report of any operator or any part thereof or the fees due thereon or to divulge to any person, except persons required or authorized to collect or audit or assist in collecting or auditing the reports or to use the information contained in any such report or acquired in auditing any such report or enforcing the provisions of this act for any purpose except for the audit of such report and collection of the fee imposed by this act, unless the fee thereby imposed becomes delinquent; any person violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be fined not to exceed \$500.00 or sentenced to hard labor for the county for not more than 90 days, one or both for each offense, and upon conviction thereof any such person shall thereafter be ineligible to hold the office of commissioner or become or be an employee or agent of the department of revenue or under the department of revenue.

Any assistant or agent of the department of revenue who shall willfully refuse to perform the duties imposed upon him by this act or by the department of revenue shall be deemed guilty of a misdemeanor and shall be fined not exceeding \$500.00 or sentenced to hard labor for the county for not more than 90 days, one or both, for each offense.

All reports and information secured by officials or employees of the department of revenue for the purpose of arriving at fees shall be kept under

lock and key by the department of revenue, and any official or employee of the state or of any county who shall divulge the contents thereof except under order of court shall be guilty of a Class C misdemeanor and shall be punishable as provided by law, and any person found guilty of violating this provision of this act shall thereafter be ineligible to hold the office of commissioner or become or be an employee or agent of the department of revenue.

Section 15. The reports and records shall remain in the office of the department of revenue and shall not be open to public inspection.

Section 16. The commissioner of revenue shall have the authority to develop and promulgate reasonable rules and regulations as needed to administer the provisions of this act.

Section 17. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 18. The provisions of this Act are cumulative and shall not be deemed to repeal existing laws. The provisions of this act are to be construed in pari materia with the provisions of the Southeast Interstate Low-Level Radioactive Waste Management Compact, Section 22-32-1, et seq., Code of Alabama 1975, as amended. If any provision of this act shall be held to be inconsistent with any provision of said Compact, the provision of said Compact shall govern.

Section 19. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 95; Nays 0.

Yeas:

Reps. Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Jenkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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AMENDMENT OFFERED

Rep. Holley offered the following amendment to the bill, H. 132 as amended:

Amend the Substitute to H. B. 132 by inserting the following after the word "herein." on page 2, line 22.

For the purpose of this act incineration does not include hazardous substances or waste that have been blended for use as a fuel in conformance with state and federal requirements.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 94; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Buggy, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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AMENDMENT OFFERED

Rep. Black offered the following amendment to the bill, H. 132 as amended:

Amend House Bill 132, on page 1, line 8 by striking the words “a fee” and by inserting in lieu thereof the word fees;

Further amend on page 1, line 10 by striking the word “fee” and insert in lieu thereof the word fees;

Further amend on page 1, line 11 after the word “Fund” by inserting the following: and for the county fee to the credit of the general fund of the county wherein hazardous waste disposal sites are located;

Further amend on page 1, line 12 after the word “levies” by striking the words “a fee”, and by inserting in lieu thereof state and county fees;

Further amend on page 1, line 12 after the word “ton” by inserting the words: and \$1.00 per ton, respectively;

Further amend on page 1, line 21, after the word “all”, by inserting the word state;

Further amend on page 1 line 26 by striking the words “a fee” and insert in lieu thereof the word fees;

Further amend on page 1, line 26 by inserting the words and \$1.00 per ton after the word “ton”;

Further amend on page 1, line 35 by inserting the word state after the word “such” and before the word “fees”;

Further amend on page 3, after line 9, by inserting the new section 4, and by re-numbering the remaining sections accordingly:

Section 4. In addition to all fees levied heretofore or hereafter, there is also hereby levied a fee to be paid by the operators of each commercial site for the disposal of hazardous waste in the amount of \$1.00 per ton to be collected by the county and deposited to the credit of the general fund of the county wherein such commercial hazardous waste disposal site is located; and all such proceeds shall be expended for health purposes. It is further provided that all provisions relating to the state fee including date of payment, required reporting, penalties, interest, property liens, record keeping, recovery of overpayment and prosecution for violations shall also apply to the county fee levied by this section.

Further amend on page 3, line 10, after the word "All", by inserting the word state;

Further amend on page 8, line 20 after the word "shall" by inserting the following: fully cooperate with county officials for the successful administration of the county fee levied in Section 4 of this act and

AMENDMENT TABLED

On motion of Rep. Holley, the amendment offered by Rep. Black to the bill, H. 132 as amended, was tabled.

Yeas 52; Nays 27.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Box, Britnell, Brooks, Campbell, Carothers, Carter, Cosby, Crow, Curry, Dillard, Faulk, Flowers, Gaston, Gray, Hamilton, Hammett, Harvey, Higginbotham, Hogan, Holley, Hooper, Johnson (RW), Knight, Kvalheim, Lindsey, Logan, Marks, Mathis, McKee, Moon, Newman, Parker, Payne, Penry, Richardson, Slaughter, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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Nays:

Reps. Black, Breedlove, Bryant, Bugg, Buskey (JE), Buskey (JL), Clark (W), Coburn, Davis, Escott, Freeman, Grayson, Grouby, Hall, Hill, Kennedy, Laird, Layson, McClain, McDowell, McMillan, Melton, Newton, Perdue, Poole, Rogers and Spratt.

—27

And the bill:

H. 132. To levy a fee of \$8.00 per ton on operators of commercial sites for the disposal of hazardous waste or hazardous substances for each ton of hazardous waste or hazardous substance received for disposal and disposed of at such sites; to define certain terms; to provide for penalties and interest charge for non-compliance, departmental cost for collection, authority for rulemaking, and general record keeping requirements for commercial hazardous waste or hazardous substance disposal facility operators; and to provide that the operators of such sites shall pay all such fees levied to the State General Fund.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 99; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—99

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 132:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Hooper, Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Turnham:

H. R. 133. COMMENDING BOBBY B. DEES, ED.D., OUTSTANDING EDUCATOR AND CIVITAN.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to-wit:

H. 23. To amend section 32-6-15, Code of Alabama 1975, relating to fees for duplicate drivers' licenses, so as to increase the fee for a duplicate of lost or destroyed licenses.

Also:

H. 111. To amend section 32-6-8, Code of Alabama 1975, relating to learning permits for drivers' licenses, so as to provide for a four-year learner's license and increase the fees accordingly.

Also:

H. J. R. 52. COMMENDING MRS. MAE BELLE YANCEY FOR DISTINGUISHED SERVICE TO ETOWAH COUNTY'S DUCK SPRINGS ELEMENTARY SCHOOL.

Also:

H. J. R. 53. COMMENDING DAN S. MALONE OF GADSDEN, ALABAMA.

Also:

H. J. R. 91. DESIGNATING OCTOBER 12, 1988, AS "JACK LANG APPRECIATION DAY" IN THE CITY OF GADSDEN.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker Pro Tem of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Perdue, the rules were suspended in order to take up out of order the bill, H. 208.

And the bill:

H. 208. To authorize the State Board of Health to designate the services rendered by the State and County Health Departments for which fees may be charged and provides for the distribution of the fees.

As amended on the sixth legislative day, was taken up.

AMENDMENT OFFERED

Rep. Perdue offered the following substitute amendment to the amendment offered by Rep. Davis to the bill, H. 208, on the sixth legislative day:

Amend the Substitute to House Bill 208, page 2, line 1, after the period by adding the following language:

No family shall be charged a fee for medical services if they are at or below 100 percent of the federal poverty level.

SUBSTITUTE AMENDMENT ADOPTED

And the substitute amendment was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Davis, Dillard, Drake, Escott, Faulk, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newton, Parker, Payne, Perdue, Petelos, Poole, Rogers, Spratt, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—81

AMENDMENT OFFERED

Rep. Laird offered the following amendment to the bill, H. 208 as amended:

Amend H. B. 208 on page 2, Section 5, line 16 after the word County, add the following: Except for the counties of Randolph and Clay counties which are not included in this act.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 34; Nays 22.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blakeney, Bugg, Carothers, Crow, Curry, Fuller, Goodwin, Hammett, Harvey, Hettinger, Hogan, Junkins, Knight, Laird, Lindsey, Marks, Mathis, McClain, McDowell, Mikell, Moon, Newman, Payne, Poole, Seibels, Venable, Warren, White (F), Willis and Wright.

—34

Nays:

Reps. Beasley, Box, Bryant, Buskey (JL), Butler, Dillard, Escott, Gaston, Gray, Grayson, Kennedy, Kvalheim, Marietta, Newton, Parker, Perdue, Petelos, Slaughter, Spratt, Turnham, White (G) and Zoghby.

—22

AMENDMENT OFFERED

Rep. Bugg offered the following amendment to the bill, H. 208 as amended:

Amend H. B. 208 on page 2, Section 5, line 16 by adding after the word County the following: Except for Etowah County which is not included in this act.

MOTION TO TABLE

Rep. Perdue offered the motion to table the amendment offered by Rep. Bugg to the bill, H. 208 as amended.

H. 208 CARRIED OVER

On motion of Rep. Perdue, the bill, H. 208 as amended, and the pending amendment and motion were carried over to the first hour of the eighth legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senators Smith (J), Covington, and Parsons:

S. 64. To provide a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1989.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 64. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Bedford, Corbett, Bennett, Drinkard, Amari, Langford, deGraffenried, Denton, Menton, Hilliard, Parsons, Goodwin, Foshee, Sanders, Campbell, Covington, Figures, Smith (J), Holmes, Dixon, Bailey, and Ellis:

S. 21. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1989.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 21. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Rice and Bennett:

S. 145. To make an appropriation for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 145. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senators Bennett and Dial:

S. 132. To establish the "Alabama Hazardous Substance Cleanup Fund"; to provide that such fund shall be used for the cleanup and restoration of abandoned or inactive sites at which improper treatment, storage or disposal of hazardous substances has occurred; to plan and undertake the rehabilitation, removal and cleanup of hazardous substances deposited improperly at sites located within Alabama; to provide that this fund shall be used for sites not qualified for or unlikely to receive funding for cleanup from funds designated for cleanups under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. §9601 et seq.) and to provide state matching funds for cleanups under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980; to provide for penalties and recovery of cleanup costs; to provide that the fund shall be administered by the Alabama Department of Environmental Management; and to direct the Alabama Department of Environmental Management to secure other funds whenever possible.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 132. Judiciary.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Turnham to suspend the rules in order to take up out of order the bill, H. 112, was lost, lacking a four-fifths vote.

Yeas 41; Nays 21.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blakeney, Box, Breedlove, Brooks, Carothers, Curry, Dillard, Flowers, Fuller, Gaston, Gray, Hamilton, Hammett, Harper, Higginbotham, Hill, Hogan, Hooper, Knight, Kvalheim, Layson, Lindsey, Marks, McKee, Mikell, Moon, Newman, Penry, Petelos, Poole, Seibels, Turnham, Venable, White (G), White (L), Wright and Zoghby.

—41

Nays:

Reps. Bryant, Bugg, Buskey (JE), Buskey (JL), Clark (W), Coburn, Davis, Escott, Grayson, Holmes, Kennedy, Logan, McClain, McDowell, Melton, Newton, Perdue, Rogers, Slaughter, Spratt and White (F).

—21

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Turnham, the rules were suspended in order to take up out of order the bill, H. 310.

And the bill:

H. 310. To amend Section 27-4-2, Code of Alabama 1975, which provides for the collection of certain fees and licenses by the Commissioner of Insurance, so as to increase certain fees.

Was taken up.

SUBSTITUTE OFFERED

Rep. Turnham offered the following substitute to the bill, H. 310:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 27-4-2, Code of Alabama 1975, which provides for the collection of certain fees and licenses by the Commissioner of Insurance, so as to increase certain fees.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 27-4-2, Code of Alabama 1975, is hereby amended to read as follows:

“§27-4-2.

“(a) The commissioner of insurance shall collect in advance fees, licenses and miscellaneous charges as follows:

“(1) Certificate of authority:

“a. Initial application for original certificate of authority, including the filing with the commissioner of all documents incidental thereto \$25.00 50.00

"b. Issuance of original certificate of authority	20.00	40.00
"c. Annual continuation or renewal fee	200.00	
"d. Reinstatement fee	50.00	100.00
"(2) Charter documents, filing with the commissioner amendment to articles of incorporation or of association, or of other charter documents or to bylaws	5.00	25.00
"(3) Solicitation permit, filing application and issuance	25.00	50.00
"(4) Annual statement of insurer, except when filed as part of application for original certificate of authority, filing	10.00	25.00
"(5) Agent's license (resident or nonresident agents):		
"a. Property, casualty and surety agents:		
"1. Filing application for license	10.00	
"2. Appointment of agent by insurer, property and casualty, each insurer	5.00	
"3. Annual continuation of appointment, property and casualty, each insurer	5.00	
"b. Life and disability insurance agents (resident agents):		
"1. Original license, each insurer	5.00	
"2. Annual continuation of license, each insurer	5.00	
"c. Life and disability nonresident agents:		
"1. Original license, each insurer	26.00	
"2. Annual continuation of license, each insurer	26.00	
"(5) Agent Licenses and Appointments:		
"a. Property, casualty and surety agents (resident or nonresident):		
"1. Application fee (For filing of application for license or appointment)	20.00	
"2. Appointment fee (For appointment of agent by insurer and annual renewal of appointment, each insurer)		
"(a) All classification except comprehensive property, casualty and surety, each classification	15.00	
"(b) Comprehensive property, casualty and surety	30.00	
"b. Life and disability resident agents		
"1. Application fee (For filing of application for license)	20.00	
"2. License fee (For original license and each annual renewal) ...	15.00	
"c. Life and disability nonresident agents		
"1. Application fee (For filing application for license)	20.00	
"2. License fee (For original license and each annual renewal) ...	50.00	

"d. Examination fees (For filing application for examination or reexamination of resident agent or broker)

"1. Each classification of examination except comprehensive property, casualty and surety 10.00

"2. Comprehensive property, casualty and surety 30.00

"d. e. Each vending machine licensed under section 27-8-23, each year 5.00 25.00

"(6) Broker's license (resident or nonresident brokers):

"a. Filing application for license 10.00 20.00

"b. Issuance of license 26.00 50.00

"c. Annual continuation of license 26.00 50.00

"(7) Solicitor's license:

"a. Filing application for license 10.00

"b. Issuance of license 5.00

"e. a. Annual continuation of license 5.00 20.00

"(8) General agent's license:

"a. Filing application for license 10.00 30.00

"b. Issuance of license, property and casualty, each insurer 5.00 25.00

"c. Annual continuation of license, each insurer 5.00 25.00

"(9) Service representative's license:

"a. Filing application for license 10.00 20.00

"b. Issuance of license, property and casualty, each insurer 5.00 20.00

"c. Annual continuation of license, property and casualty, each insurer 5.00 20.00

"(10) Temporary license:

"a. As resident agent, each insurer, property, casualty and life 5.00 20.00

"b. As resident broker 26.00 50.00

"e. As solicitor 5.00

~~"(11) Examination for agent, broker or solicitor license, resident and nonresident, filing application for examination or reexamination, each classification of examination 5.00~~

~~"(12) Surplus line broker license, each license year 26.00~~

~~"(11) Surplus line broker license, each license year 50.00~~

~~"(13) (12) Adjusters:~~

~~"a. License 26.00 50.00~~

~~"b. Annual continuation of licenses 26.00 50.00~~

"14) (13) Miscellaneous services:

"a. For copies of documents, records on file in insurance department,
per page50 1.00

"b. For each certificate of the commissioner under his seal, other than
agent licenses1.00 5.00

"(15) (14) The commissioner is hereby authorized and directed to collect a fee of ~~\$5.00~~ \$25.00 when, in acting as agent or attorney for any insurance company, fraternal benefit society, mutual aid association or credit union, he accepts the service of legal process as provided by the laws of this state. He shall refuse to receive and file or serve any process unless such process is accompanied by the aforementioned fee, which shall be taxed as costs in the action.

"(b) The commissioner shall promptly pay all fees and licenses collected under this section into the state treasury to the credit of the general fund."

Section 2. It is the legislative intent that nothing in this act shall be construed to affect the Special Examination Revolving Fund, as provided for in Section 27-2-25, Code of Alabama 1975, or the State Fire Marshal's Fund, as provided for in Section 24-5-10, Code of Alabama 1975.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 58; Nays 3.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blakeney, Box, Britnell, Brooks, Bryant, Campbell, Carothers, Cosby, Crow, Curry, Davis, Dillard, Faulk, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Headley, Hettinger, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, McClain, McDowell, McKee, McMillan, Mikell, Newman, Parker, Petelos, Poole, Richardson, Slaughter, Turnham, Venable, Warren, White (F), White (G), White (L), Wright and Zoghby.

—58

Nays: Reps. Holley, Junkins and Moon.

—3

AMENDMENT OFFERED

Rep. Turnham offered the following amendment to the bill, H. 310 as amended:

Amend H. B. 310 on page 3, after line 32 by adding the following language:

f. Each of the fees hereinabove listed shall be applicable, except in the situations where an agent represents more than one related corporate entity under a single multi-corporate operating umbrella or under an inter-company or inter-corporate pooling arrangement, in which case the fees applicable to each such agent for each additional application, license, renewal license or appointment, for the additional separate but related corporate entities shall

be only five (\$5.00) dollars, in addition to the original fee applicable hereunder for the first of said corporations.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 61; Nays 2.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Box, Britnell, Brooks, Buskey (JL), Campbell, Carothers, Cosby, Crow, Curry, Davis, Dillard, Faulk, Flowers, Freeman, Fuller, Gaston, Gray, Grayson, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Johnson (RG), Knight, Kvalheim, Lindsey, Logan, Marks, McClain, McDowell, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Petelos, Poole, Reed, Richardson, Seibels, Slaughter, Turnham, Venable, White (F), White (G), White (L), Willis and Zoghby.

—61

Nays: Reps. Laird and Layson.

—2

And the bill, H. 310 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 19.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Box, Britnell, Buskey (JL), Campbell, Carothers, Clark (W), Cosby, Curry, Davis, Dillard, Faulk, Freeman, Fuller, Gaston, Gray, Grayson, Hammett, Harper, Harvey, Headley, Hettinger, Higginbotham, Hill, Knight, Kvalheim, Lindsey, Logan, Marks, McClain, McDowell, McMillan, Mikell, Newman, Newton, Penry, Petelos, Reed, Richardson, Seibels, Slaughter, Spratt, Turnham, Venable, White (G), White (L) and Zoghby.

—52

Nays:

Reps. Brooks, Bugg, Buskey (JE), Flowers, Hall, Hamilton, Hooper, Johnson (RG), Junkins, Laird, Layson, McKee, Melton, Parker, Payne, Poole, Rogers, Warren and White (F).

—19

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Layson, the rules were suspended in order to take up out of order the bill, H. 106.

And the bill:

H. 106. To amend Sections 9-13-82 and 9-13-84, Code of Alabama 1975, as amended, which provide for the severance tax on forest products and the distribution of the proceeds thereof, so as to increase said tax and provide further for its distribution.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 17.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Box, Breedlove, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Cosby, Davis, Dillard, Escott, Faulk, Flowers, Fuller, Gaston, Gray, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Holmes, Hooper, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, McClain, McMillan, Mikell, Moon, Newman, Newton, Parker, Perdue, Petelos, Reed, Richardson, Seibels, Slaughter, Spratt, Turnham, Venable, White (G), White (L), Wright and Zoghby.

—57

Nays:

Reps. Beers, Biddle, Brooks, Curry, Freeman, Grayson, Grouby, Hall, Hettinger, Johnson (RG), Junkins, Melton, Payne, Penry, Poole, Warren and White (F).

—17

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Mikell, the rules were suspended in order to take up out of order the bill, H. 156.

And the bill:

H. 156. To create an Alabama "generation-skipping transfer" tax which takes advantage of the state tax credit allowed in computing the federal "generation-skipping transfer" tax, thereby adding revenues to the state of Alabama without increasing the total tax liability of taxpayers.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Box, Breedlove, Britnell, Brooks, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Crow, Curry, Davis, Dillard, Escott, Faulk, Flowers, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hammett, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Payne, Penry, Perdue, Petelos, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Wright and Zoghby.

—79

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Johnson (RG), the rules were suspended in order to take up out of order the bill, H. 201.

And the bill:

H. 201. This bill amends Section 22-21-24, Code of Alabama, 1975, by increasing the fees for the license for health care facilities.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 2.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Box, Breedlove, Brooks, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Davis, Dillard, Faulk, Flowers, Freeman, Gaston, Gray, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Lindsey, Marks, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Penry, Perdue, Petelos, Poole, Reed, Richardson, Seibels, Spratt, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Wright and Zoghby.

—68

Nays: Reps. Beers and Payne.

—2

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Hooper, the rules were suspended in order to take up out of order the bill, H. 137.

And the bill:

H. 137. To provide for the method of filing applications for allocations of a portion of the "State Ceiling" applicable to tax-exempt bonds; to establish expiration and reversion dates for allocation of "State Ceiling" and conditions subsequent to such allocations; to allocate the entire "State ceiling" to the State, subject to redistribution by the State Industrial Development Authority; to reserve certain portions of the "State Ceiling" for the use and benefit of Alabama Housing Finance Authority and Alabama Higher Education Loan Corporation; to provide for the allocation of portions of the "State Ceiling" to issuers of small issue bonds for manufacturing facilities and for exempt facility bonds and for the allocation of a portion of the "State Ceiling" at the discretion of the State Industrial Development Authority; to provide a procedure for carryforward allocations; to establish an effective date; to authorize the State Industrial Development Authority to adopt rules and regulations governing the making of allocations; and to designate the president of the State Industrial Development Authority as the State official authorized to make certain certifications required under the Internal Revenue Code of 1986, as amended.

Was taken up.

AMENDMENT OFFERED

Rep. Slaughter offered the following amendment to the bill, H. 137:

On page 1, line 32, strike the word "and" appearing after the semicolon.

On page 1, line 35, replace the period with a semicolon and add thereafter the following:

“and to impose a duty of fairness and impartiality in the administration of the allocation program.”

On page 7, line 14, strike the words “shall cause a” at the end of line 14, further strike lines 15, 16 and 17 in their entirety, and add after the word “confirmation” in line 14 the following:

“within the specified period shall authorize the Authority to revoke the allocation for which the confirmation is required; provided, however, that the Authority shall waive any such revocation upon a reasonable and timely showing of good cause for such failure or undue hardship that would be caused by the said revocation, and any such revocation shall be subject to review by a court of competent jurisdiction.”

On page 7, line 24, replace the period after the word “Authority” with a comma and add the following:

“subject to the duty of fairness and impartiality in the granting of allocations set forth in Section 6 of this act.”

On page 9, line 15, strike the words and figures “ten percent (10%)” and substitute in lieu thereof “fifteen percent (15%)”.

On page 9, line 17, strike the word “The” which immediately follows “(v)” and substitute in lieu thereof the words “Subject to the duty of fairness and impartiality set forth in Section 6 of this act, the”.

On page 9, line 17, strike the words and figures “twenty percent (20%)” and substitute in lieu thereof “fifteen percent (15%)”.

On page 9, line 24, strike line 24 in its entirety and substitute in lieu thereof the following:

“(vi) Subject to the duty of fairness and impartiality set forth in Section 6 of this act, should the Authority”

On page 9, line 26, strike the words and figures “(iii) and (iv)” and substitute in lieu thereof the words and figures “(ii), (iii) and (iv)”.

On page 9, lines 26 and 27, strike the words “or if” at the end of line 26 and the words “it shall” at the beginning of line 27 and substitute in lieu thereof “or should the Authority”.

On page 11, line 14, renumber Section 6 as Section 7 and renumber all succeeding sections of the bill by increasing their number by one. Before renumbered Section 7, insert the following new Section 6:

“SECTION 6. Duty of Fairness and Impartiality in Granting Allocations. Anything contained in this act to the contrary notwithstanding, the Authority shall have a duty to administer the state ceiling allocation program created in this act fairly and impartially. In making any decision entrusted to its discretion, including particularly the granting of allocations or the reallocation of portions of the state ceiling among categories of Affected Bonds, or the revocation or waiver of revocation or an allocation, the Authority shall give paramount importance to the fair, impartial and efficient discharge of its powers. Actions of the Authority shall be subject to review by a court of competent jurisdiction to assure adherence to such standards of fairness and impartiality, which court may grant such legal and equitable

remedies as it may deem necessary in order to assure such adherence; provided, however, that no member or director of the Authority shall have any personal liability for the actions of the Authority in connection with the allocation program."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Box, Breedlove, Britnell, Brooks, Buskey (JL), Butler, Campbell, Carothers, Carter, Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Flowers, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RW), Knight, Kvalheim, Laird, Lindsey, Logan, Marks, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Reed, Richardson, Seibels, Spratt, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Wright and Zoghby.

—74

And the bill:

H. 137. To provide for the method of filing applications for allocations of a portion of the "State Ceiling" applicable to tax-exempt bonds; to establish expiration and reversion dates for allocation of "State Ceiling" and conditions subsequent to such allocations; to allocate the entire "State Ceiling" to the State, subject to redistribution by the State Industrial Development Authority; to reserve certain portions of the "State Ceiling" for the use and benefit of Alabama Housing Finance Authority and Alabama Higher Education Loan Corporation; to provide for the allocation of portions of the "State Ceiling" to issuers of small issue bonds for manufacturing facilities and for exempt facility bonds and for the allocation of a portion of the "State Ceiling" at the discretion of the State Industrial Development Authority; to provide a procedure for carryforward allocations; to establish an effective date; to authorize the State Industrial Development Authority to adopt rules and regulations governing the making of allocations; to designate the president of the State Industrial Development Authority as the State official authorized to make certain certifications required under the Internal Revenue Code of 1986, as amended; and to impose a duty of fairness and impartiality in the administration of the allocation program.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 75; Nays 2.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Box, Breedlove, Brooks, Buskey (JL), Butler, Campbell, Carothers, Carter, Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Flowers, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marks, McClain, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Penry, Perdue, Petelos,

Poole, Reed, Richardson, Seibels, Slaughter, Spratt, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—75

Nays: Reps. McDowell and Payne.

—2

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Turnham, the rules were suspended in order to take up out of order the bill, H. 148.

And the bill:

H. 148. To provide that any member of the teachers' or employees' retirement system of Alabama not presently covered by a provision to convert unused sick leave into membership service for purposes of service retirement may do so under the provisions of §36-26-36.1 provided that no employee of an employer participating pursuant to §36-27-6 of the Code of Alabama 1975 shall be entitled to the benefits provided in this act unless such employer elects to come under the provisions of said act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Box, Breedlove, Brooks, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Flowers, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Reed, Richardson, Rogers, Seibels, Spratt, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—84

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Clark (W), Buskey (JE) and Kennedy:

H. R. 134. MOURNING THE DEATH OF FRED L. SANDERSON OF MOBILE, ALABAMA.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Carothers, the rules were suspended in order to take up out of order the bill, H. 186.

Yeas 63; Nays 6.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Brooks, Buskey (JL), Butler, Carothers, Cosby, Crow, Curry, Escott, Faulk, Flowers,

Gaston, Grouby, Hammett, Harvey, Haynes, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newton, Parker, Payne, Penry, Petelos, Poole, Reed, Richardson, Seibels, Slaughter, Spratt, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—63

Nays:

Reps. Breedlove, Dillard, Junkins, McDowell, Newman and Perdue.

—6

And the bill:

H. 186. To provide for the establishment and operation of an Alabama Chiropractors' Hall of Fame Board, and to prescribe its powers and duties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Box, Brooks, Bugg, Butler, Campbell, Carothers, Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Flowers, Gaston, Gray, Grayson, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Reed, Richardson, Seibels, Slaughter, Spratt, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—78

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 132. To levy a fee of \$8.00 per ton on operators of commercial sites for the disposal of hazardous waste or hazardous substances for each ton of hazardous waste or hazardous substance received for disposal and disposed of at such sites; to define certain terms; to provide for penalties and interest charge for non-compliance, departmental cost for collection, authority for rulemaking, and general record keeping requirements for commercial hazardous waste or hazardous substance disposal facility operators; and to provide that the operators of such sites shall pay all such fees levied to the State General Fund.

TOMMY CARTER,
Chairman.

And the bill, H. 132 as engrossed, was ordered sent to the Senate.

COMMITTEE MEETING

On motion of Rep. Harper, the rules were suspended to request leave of the House for the Standing Committee on Ways and Means to meet.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:05 P.M. on September 8, 1988.

H. 26

H. 120

H. 138

H. 147

Delivered to the Secretary of State at 3:10 P.M. on September 8, 1988.

H. 1 (Constitutional Amendment)

H. 285 (Constitutional Amendment)

Delivered to the Governor at 3:10 P.M. on September 8, 1988.

H. 181

H. J. R. 4

H. 163

H. J. R. 5

H. 188

H. J. R. 7

H. 104

H. J. R. 124

H. 170

H. J. R. 126

H. 178

H. J. R. 127

H. 264

H. J. R. 130

H. 302

Delivered to the Governor at 4:34 P.M. on September 8, 1988.

H. 45

H. J. R. 43

H. 205

H. J. R. 74

H. 209

H. J. R. 75

H. J. R. 8

H. J. R. 110

H. J. R. 9

H. J. R. 113

H. J. R. 20

H. J. R. 115

H. J. R. 24

H. J. R. 117

H. J. R. 25

H. J. R. 119

H. J. R. 26

H. J. R. 120

H. J. R. 27

H. J. R. 128

H. J. R. 29

H. 233

H. J. R. 40

Delivered to the Governor at 4:48 P.M. on September 8, 1988.

H. 23

H. 111

H. J. R. 52

H. J. R. 53

H. J. R. 91

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Grayson and pursuant to the resolution, H. R. 129, heretofore adopted, the House adjourned until 2:00 o'clock p.m., Tuesday, September 13, 1988.

EIGHTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, September 13, 1988

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rep. Ernest Dillard.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jennifer White.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy,

Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventh legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the seventh legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the seventh legislative day was approved.

BILLS ON SECOND READING

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 48. Further providing for service charges of worthless checks for restitution and in the criminal procedure from crimes relating to worthless checks or negotiating a worthless negotiable instrument and notice, so as to increase such charges; amending Section 12-17-224, Code of Alabama 1975, as amended by Act No. 87-565, S. 319, Regular Session 1987, relating to restitution process and service charges for worthless checks; amending Section 13A-9-13.1, Code of Alabama 1975, as amended, relating to the crime of negotiating a worthless negotiable instrument and service charges, and Section 13A-9-13.2, Code of Alabama 1975, as amended, relating to notice of such crime and service charges, so as to increase such service charges.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 132. (With Substitute) (With Amendment): To establish the "Alabama Hazardous Substance Cleanup Fund"; to provide that such fund shall be used for the cleanup and restoration of abandoned or inactive sites at which improper treatment, storage or disposal of hazardous substances has occurred; to plan and undertake the rehabilitation, removal and cleanup of hazardous substances deposited improperly at sites located within Alabama; to provide that this fund shall be used for sites not qualified for or unlikely to receive funding for cleanup from funds designated for cleanups under the

federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. §9601 et seq.) and to provide state matching funds for cleanups under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980; to provide for penalties and recovery of cleanup costs; to provide that the fund shall be administered by the Alabama Department of Environmental Management; and to direct the Alabama Department of Environmental Management to secure other funds whenever possible.

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 134. To provide for a civil cause of action against certain employers who take action detrimental to certain defined employees because the employee reports a violation of law or participates in a formal inquiry or court action; to provide for damages and injunctive relief; and to provide a statute of limitations.

H. 212. To limit the amounts of judgments rendered against state employees, officers, officials and servants of governmental entities as defined herein as a result of acts committed within the line and scope of their employment and to limit such judgments to recovery for those acts involving willful or wanton conduct.

Rep. Gaston, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 24. (With Substitute): To create and provide for the incorporation, organization and operation of the Alabama water system assistance authority; to prescribe the powers and functions of the said authority as a public corporation; to authorize the authority to make loans or grants to public water systems and to issue bonds; to establish a special "water supply assistance fund"; to provide for a legislative oversight committee to monitor such authority; to provide that the revenues accruing to the Alabama water system assistance authority from bonds issued by such authority shall be deposited in a certain fund to be operated by the state treasury; and to provide for state assistance to and cooperation with community water systems in financing projects that would focus on locating, developing and sustaining adequate potable water supplies for the citizens of this state.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 171. To amend Section 26-16-5, Code of Alabama 1975, relating to meetings of the Child Abuse and Neglect Prevention Board, so as to delete two mandated meeting dates of such Board.

Rep. McMillan, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 51. To amend §16-8-3 and §16-8-4, Code of Alabama, 1975, relating to the scheduling of regular meetings and annual public meetings of county boards of education.

Rep. Walker, Chairman of the Standing Committee on Small Business, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 165. To amend Sections 34-33-1, 34-33-2, 34-33-3, 34-33-4, 34-33-5, 34-33-6 and 34-33-10 of the Code of Alabama 1975, relating to fire protection sprinkler systems, so as to redefine such systems and to further regulate the fire protection sprinkler system business in this state.

Rep. Hall, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 115. Relating to Madison County; to exempt from all county, local or municipal ad valorem taxes all property owned and used by the Huntsville Land Trust, Incorporated.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 351. To impose a fee on the rental of video cassettes; to provide for the method of reporting and paying the fee; to provide for a fee for the revenue department for the collection of same; to provide for penalties for failure to pay; and to provide that the proceeds go to the general fund of the state of Alabama.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 34. (With Amendment): To make an appropriation of \$30,000 from the State General Fund to the Coosa-Alabama River Improvement Association for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 60. To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Shakespeare Festival for the fiscal year 1988-89 and to require an operations plan and audited financial statement prior to release of any funds; to require the condition of the donation of certain student tickets; to require the continuation of student discounts; and to require the reversion of funds appropriated upon certain violations of the provisions of this act.

S. 62. To amend Section 14-1-14 of the Code of Alabama 1975, increasing the Corrections revolving fund to \$40,000.00.

S. 71. To make an appropriation from the State General Fund and the Alabama Special Educational Trust Fund for the fiscal year 1988-89 for the use of a sickle cell education program.

S. 72. To make an appropriation from the State General Fund to the Mallard Fox Creek Port and Industrial Park for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

S. 74. To make an appropriation for the support and maintenance of Marion Military Institute for the fiscal year ending September 30, 1989.

S. 76. To make a supplemental appropriation to the Alabama Real Estate Commission from the Real Estate Commission Fund for capital outlay for the fiscal year ending September 30, 1988.

S. 80. To make an appropriation for the support and maintenance of Talladega College for the fiscal year ending September 30, 1989.

S. 85. To make an appropriation for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1989.

S. 87. To make an appropriation for the support and maintenance of Walker County Junior College for the fiscal year ending September 30, 1989.

S. 91. To make an appropriation for the support and maintenance of Sylacauga Nurses Training School for the fiscal year ending September 30, 1989.

S. 93. To make a supplemental appropriation from the Alabama Special Education Trust Fund to the Children's Hospital of Alabama in Birmingham, Alabama, for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

S. 185. To make an appropriation from the Alabama Special Educational Trust Fund in the amount of \$400,000 to the Children's and Women's Hospital for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 216. This bill appropriates \$1.5 million to the health department for liability insurance premium grants for family practitioners and obstetricians who are willing to establish a new obstetrical practice in rural or underserved areas. This bill sets the maximum limit of the grant and authorizes the State Board of Health to adjust the amount based on any annual premium increases. This bill defines the criteria for eligibility.

H. 268. To amend Section 16-13-13, Code of Alabama 1975, pertaining to classroom instructional supplies, material and equipment, excluding furniture and fixtures so as to require that funds expended for said instructional supplies shall be spent only for said purpose except during years of declared proration, and if proration is declared and subsequently lifted or removed, then funds for such instructional supplies must be spent as appropriated.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 169. (With Substitute): To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of Tuskegee Institute (Tuskegee University) for the state fiscal year ending September 30, 1989.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 318. (With Amendments): To provide revenue by levying a 10% privilege tax, less local tax credits, on the gross pari-mutual pool at any dog race track in the State of Alabama; to provide for the assessment and collection of such revenues; to amend Section 40-11-5, Code of Alabama 1975, relating to taxes on dog tracks, so as to levy said privilege tax; to confer powers and impose duties on the Department of Revenue; to pledge and appropriate the receipts collected under this act to provide for payment of the principal on, premium, if any, and interest on, all bonds issued by the Alabama Mental Health Finance Authority, as authorized by Act 88-475, to the extent necessary for such purpose; to provide for the distribution of the remaining proceeds of such revenues; and to prescribe penalties for non-compliance.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 349. Relating to Marion County; authorizing the county board of health to designate the services rendered by the county health department for which a reasonable fee may be charged and to set the appropriate fee for each service; and providing that no citizen shall be denied any service because of that person's inability to pay.

H. 352. Relating to Franklin County; amending Act No. 88-562, S. 667, 1988 Regular Session (Acts 1988, p. 881), levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, so as to provide further for the collection and enforcement of the tax; and for the distribution of the proceeds therefrom.

H. 353. Relating to Marion County; providing for the merging of the budgetary operations of the tax assessor's office; providing that said office shall be financed on a pro rata share basis from proceeds of state, county and municipal ad valorem taxes collected in the county; providing certain exceptions and providing for supplemental effect.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 354. (With Substitute): Relating to Dale County; providing further for the distribution of the beer taxes levied by Act No. 82-344, H. 165, 1982 Regular Session.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Britnell (With Notice and Proof):

H. 357. To amend Section 9 of Act No. 88-562, S. 667 of the 1988 Regular Session of the Legislature, which act levies certain taxes on tobacco

and tobacco products in Franklin County, so as to exempt Act No. 708 of the 1965 Regular Session of the Legislature approved on September 1, 1965, from the repealer provisions of said Section 9.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 357, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Penry and McMillan:

H. 358. To appropriate \$4,000,000 from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1989, to the Alabama Industrial Development Training Institute for special industrial job training.

Committee on Ways and Means.

By Rep. Johnson (RW) (With Notice and Proof):

H. 359. Relating to the City of Tuscaloosa in Tuscaloosa County; to authorize the governing body of the city to promulgate and adopt rules, regulations or ordinances to prohibit, limit or otherwise regulate mining activities and/or blasting or explosive discharging activities within the corporate limits and police jurisdiction of the city.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 359, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (RW):

H. 360. To validate certain ad valorem taxes levied for school purposes; and to provide that ad valorem taxes levied for school purposes and approved by the voters of a county or school district for a period in excess of 30 years are valid for the period approved by voters.

Committee on Education.

By Rep. Box (With Notice and Proof):

H. 361. Relating to Mobile County; to alter, rearrange and add to the limits of the City of Chickasaw in Mobile County, Alabama, and to alter and rearrange the limits of the City of Mobile in Mobile County, Alabama, by removing certain area from the limits of the City of Mobile and adding same to the limits to the City of Chickasaw, and to describe the area so removed from the City of Mobile and so added to the City of Chickasaw.

Committee on Local Legislation No. 3.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 361, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Britnell (With Notice and Proof):

H. 362. To amend Section 9 of Act No. 88-562, S. 667 of the 1988 Regular Session of the Legislature, which act levies certain taxes on tobacco and tobacco products in Franklin County, so as to exempt Act No. 708 of the 1965 Regular Session of the Legislature approved on September 1, 1965, from the repealer provisions of said Section 9.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 362, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Britnell (With Notice and Proof):

H. 363. Relating to the City of Bear Creek in Marion County; to alter the corporate boundaries so as to include additional lands within the corporate limits; and to provide for a referendum thereon.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 363, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Britnell (With Notice and Proof):

H. 364. Relating to Franklin County; authorizing and providing for the incorporation of the Franklin County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and

with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate, exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 364, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Britnell, Logan, and Newman (With Notice and Proof):

H. 365. Relating to Marion County; amending Act No. 88-619, H. 1030, 1988 Regular Session (Acts 1988, p. 961), levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, so as to provide further for the collection and enforcement of the tax; and for the distribution of the proceeds therefrom.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 365, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Petelos and Wright (With Notice and Proof):

H. 366. To allow any municipality having a population of 300,000 inhabitants or more according to the last or any subsequent federal census, and acting pursuant to the authority granted by Act No. 105 of the 1971 Third Special Session of the Alabama Legislature, to authorize independent contractors to abate public nuisances caused by noxious or dangerous weeds without complying with the competitive bid law.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 366, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harper:

H. 367. To permit the State of Alabama and all departments, agencies and instrumentalities thereof, all counties and municipalities in the State of Alabama, and all public corporations, agencies and instrumentalities of such counties and municipalities which are by law authorized to refund their outstanding obligations to issue refunding obligations to refund principal only, interest only, or principal and interest in any combination thereof; and to provide that the provisions of this act are severable.

Committee on Ways and Means.

By Rep. Escott (With Notice and Proof):

H. 368. Relating to Jefferson County, amending Act No. 1272, H. 620, 1973 Regular Session, which provides for a pension and retirement system in the City of Birmingham, so as to provide further for the investment of pension funds.

Committee on Local Legislation No. 2.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 368, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Black:

H. R. 135. MOURNING THE DEATH OF LORENZO ROBINSON OF GREENE COUNTY, ALABAMA.

Also:

By Reps. Kvalheim and Box:

H. R. 136. CONGRATULATING THE MCGILL-TOOLEN HIGH SCHOOL GOLF TEAM ON THE 1988 STATE HIGH SCHOOL CHAMPIONSHIP.

Also:

The following resolution was introduced:

By Reps. Kvalheim and Box:

H. J. R. 137. CONGRATULATING THE MCGILL-TOOLEN HIGH SCHOOL GOLF TEAM ON THE 1988 STATE HIGH SCHOOL CHAMPIONSHIP.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature congratulates the McGill-Toolen High School Golf Team who, for the second year in a row, captured the Alabama 6A State Championship, winning over Decatur by 13 strokes; and

WHEREAS, the McGill-Toolen Champions are seniors Tommy Druhan, Will Johnson and Bryan Thames, members of both championship teams

and the team that came in second twice in the last four years; along with teammates Chris Dearmon, Josh Stacey, Pat Rehm and Leo Bennett; and

WHEREAS, leading the team at the state competition in Gulf Shores was All-State Tommy Druhan with a 76 in the first round followed by All-State Will Johnson (78), Bryan Thames (81), Leo Bennett (83), and Josh Stacey (84); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the McGill-Toolen High School State 6A Golf Champions, and do further direct that copies of this resolution be forwarded to Coach Hal Williams for appropriate presentation and school display.

On motion of Rep. Kvalheim, the rules were suspended and the resolution, H. J. R. 137, was adopted.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 137. To provide for the method of filing applications for allocations of a portion of the "State Ceiling" applicable to tax-exempt bonds; to establish expiration and reversion dates for allocation of "State Ceiling" and conditions subsequent to such allocations; to allocate the entire "State Ceiling" to the State, subject to redistribution by the State Industrial Development Authority; to reserve certain portions of the "State Ceiling" for the use and benefit of Alabama Housing Finance Authority and Alabama Higher Education Loan Corporation; to provide for the allocation of portions of the "State Ceiling" to issuers of small issue bonds for manufacturing facilities and for exempt facility bonds and for the allocation of a portion of the "State Ceiling" at the discretion of the State Industrial Development Authority; to provide a procedure for carryforward allocations; to establish an effective date; to authorize the State Industrial Development Authority to adopt rules and regulations governing the making of allocations; to designate the president of the State Industrial Development Authority as the State official authorized to make certain certifications required under the Internal Revenue Code of 1986, as amended; and to impose a duty of fairness and impartiality in the administration of the allocation program.

TOMMY CARTER,
Chairman.

And the bill, H. 137 as engrossed, was ordered sent to the Senate.

RESOLUTION

The following resolution was introduced:

By Rep. Rains:

H. J. R. 138. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE FEASIBILITY OF ESTABLISHING A HEALTH AND MEDICAL CARE FUND.

WHEREAS, for many years certain revenues have been allocated to the Alabama Special Educational Trust Fund to be used for education purposes; and

WHEREAS, by authority of a 1923 Act, revenues have been set aside in a special fund known as the State Highway Fund to be used for the expense of the Highway Department and construction and maintenance of highways, roads and bridges; and

WHEREAS, at the present time, funds for health and medical care are appropriated to the general fund to be distributed to the several state agencies and departments responsible for various health and medical programs; and

WHEREAS, the demand for more state funds for health and medical programs has increased and will continue to increase; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That legislators study the feasibility of establishing a separate Health and Medical Care Fund in the state treasury to be appropriated to the state agencies and departments for health and medical care.

BE IT FURTHER RESOLVED, That there is hereby established a joint committee to study the feasibility of establishing a health and medical care fund in the state treasury to be composed of five members of the House of Representatives, to be appointed by the Speaker of the House and five members of the Senate, to be appointed by the Lieutenant Governor. It shall be the duty and function of the committee to completely analyze the functions and funding of the state agencies and departments responsible for the various facets of health and medical care to determine if the needs of the citizens of Alabama would be better met by funds being allocated to a separate fund in the state treasury to be used solely for health and medical care.

The committee shall elect a chairman from its members.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1989 Regular Session, at which time it shall be dissolved.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$5,000.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 138, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 160. Relating to Shelby County; to provide further for the compensation of certain poll officials and poll workers.

Also:

H. 166. Relating to Mobile County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner upon the expiration of the current terms of office of tax assessor and tax collector; prescribing the powers, duties, and term of office of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Mobile County; repealing conflicting laws; and providing that this act shall become effective only upon the approval of a majority of the qualified electors of Mobile County voting thereon in a referendum election.

Also:

H. 176. Relating to the City of Huntsville in Madison County; to authorize the Huntsville Board of Education and the Huntsville City Council to agree to qualify, run for office, and be elected from the same geographical districts, and to allow the said Board and Council to agree to have five or more such districts.

Also:

H. 230. Relating to the City of Prichard in Mobile County; limiting the number of city council members on the water works and sewer board to no more than one.

Also:

H. 231. Relating to Madison County; to exempt from all county, local or municipal ad valorem taxes all property owned and used by the Huntsville Land Trust, Incorporated.

Also:

H. 284. To authorize the City of Huntsville to acquire and operate passenger excursion trains upon the tracks of any public or private railroad within Madison County based upon agreements for such operation between the city and any such public or private railroad corporation or other entity.

Also:

H. 309. Relating to Perry County; authorizing the county commission to levy an additional ad valorem tax in said county to be used for general purposes and providing for a referendum.

Also:

H. 321. Authorizing the probate judge of Perry County to have a chief clerk and two additional clerks to assist the probate judge of Perry County in the performance of his duties and to provide for retroactive effect.

Also:

H. 322. Authorizing the county commission of Perry County to provide for a chief clerk and not more than two additional clerks to assist the county commission of Perry County in the performance of its duties.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Holmes:

H. R. 139. REQUESTING THE PUBLIC SERVICE COMMISSION TO IMPLEMENT A POLICY OF FAIRNESS REGARDLESS OF RACE, CREED OR COLOR.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That we condemn the three members of the Public Service Commission for engaging in a pattern and practice of racial discrimination against black people in Alabama when it comes to their employment practices in the State of Alabama.

BE IT FURTHER RESOLVED, That the House take note that all three candidates had been supported by the black organizations in Alabama and black leaders.

BE IT FURTHER RESOLVED, That we call upon the members of the Public Service Commission to implement a policy of fairness regardless of race, creed or color.

On motion of Rep. Holmes, the rules were suspended and the resolution, H. R. 139, was adopted.

Also:

By Rep. Holmes:

H. R. 140. AMENDING HOUSE RULES.

Be it Resolved by the House of Representatives that the House rules be amended to read as follows:

"Rule 1. (a) On meeting days, the Speaker of the House, the Speaker pro tem and the Chairman of the House Standing Committees shall admit House members to their respective offices, for the purposes of conducting legislative business, prior to any waiting, non-legislative person whether such person has an appointment or not. This Rule shall be enforced by the respective officers of the House.

"(b) The doorkeeper shall on meeting days, thirty minutes before the session begins, clear the House of all persons not entitled to the floor. The doors of the House shall be opened but no person shall be admitted to the floor of the House while the same is in session, except members of the Legislature, the officers and employees of the two Houses, the Governor and his secretary, representatives of the press who shall be placed by the Clerk of the House, the Chief Examiner and employees of the Department of Examiners of Public Accounts, and other persons to whom either House, by unanimous vote, may extend the privileges of its floor; provided, however, that on the first legislative day of any regular or special session, the families of the members of the House shall have the privilege of the floor, for that legislative day only.

"(1) When former members are on the floor of the House, they shall not be engaged in any lobbying activities. Former members who are registered lobbyists shall request permission of the Speaker to receive privileges of the floor.

“(2) For the purpose of this Rule, ‘press’ means news gathering media or general news and not any trade or association.

“(3) These rules shall be enforced by the Clerk of the House.”

The motion offered by Rep. Holmes to suspend the rules and adopt the resolution, H. R. 140, was lost.

Yeas 6; Nays 45.

Yeas: Reps. Black, Bryant, Grayson, Holmes, Mathis and McDowell. —6

Nays:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Brooks, Bugg, Burke, Butler, Carter, Coburn, Curry, Dillard, Faulk, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Hall, Hammett, Harper, Headley, Higginbotham, Hill, Hogan, Johnson (RW), Knight, Marks, Moon, Newman, Parker, Payne, Petelos, Slaughter, Starkey, Venable, White (F), White (G), White (L), Williams, Willis and Wright.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H. R. 140, was read and referred to the Standing Committee on Rules.

Also:

By Reps. White (F), Warren, Hammett and Turner:

H. J. R. 141. URGING THE U.S. FORESTRY SERVICE AND THE ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES TO POSTPONE IMPLEMENTATION OF A PROPOSED PLAN TO PLACE SEVERE RESTRICTIONS ON DEER HUNTING WITH DOGS IN THAT PORTION OF THE CONECUH NATIONAL FOREST THAT LIES WITHIN ESCAMBIA COUNTY UNTIL SUCH TIME AS BOTH A MORE IN-DEPTH STUDY ON THE EFFECTS OF SUCH DEER HUNTING CAN BE CONDUCTED AND PUBLIC HEARINGS CAN BE HELD ON SUCH PROPOSED PLAN.

WHEREAS, it has been brought to the attention of this Legislature that the U.S. Forestry Service and the Alabama Department of Conservation and Natural Resources have entered into an agreement whereby the number of days in which deer may be legally hunted with dogs in the Conecuh National Forest will be reduced from 40 days to 6 days; and

WHEREAS, many citizens of Escambia County who reside in this forest area have recently reported that deer in said forest are larger and more plentiful than ever before and that the deer population has grown so in recent years that it represents a substantial menace to crops in this area; and

WHEREAS, the U.S. Forestry Service and the Alabama Department of Conservation and Natural Resources have not planted food plots for deer

in this area for the past five years because they have not detected any decrease in the deer population; and

WHEREAS, only 3 percent of all deer killed each season are killed by hunters using dogs; and

WHEREAS, the Escambia County Commission has asked for and been denied a public hearing on this restrictive agreement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby urge the U.S. Forestry Service and the Alabama Department of Conservation and Natural Resources to postpone implementation of a proposed plan to place severe restrictions on deer hunting with dogs in that portion of the Conecuh National Forest that lies within Escambia County until such time as both a more in-depth study on the effects of such deer hunting can be conducted and public hearings can be held on such proposed plan.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to the U.S. Forestry Service and the Commissioner of the Alabama Department of Conservation and Natural Resources.

On motion of Rep. White (F), the rules were suspended and the resolution, H. J. R. 141, was adopted.

Also:

By Rep. Breedlove:

H. J. R. 142. COMMENDING LILLIAN PUGH ANDREWS FOR DISTINGUISHED SERVICE AND ACHIEVEMENT.

WHEREAS, the Legislature of Alabama notes with highest commendation the notable accomplishments and contributions in service to others of Lillian Pugh Andrews, Jackson, Alabama; and

WHEREAS, we most particularly note the recent selection of Mrs. Andrews for 1988 induction into the Alabama Senior Hall of Fame, a prestigious honor in recognition of Mrs. Andrews' service of long standing and of great benefit to the lives of our older citizens; and

WHEREAS, Mrs. Andrews, who served as chairman of the Alabama Commission on Aging during the four years of Governor Fob James' administration, also has served as president of the Alabama Department of the American Legion Auxiliary, as director of Alabama Girls State for more than 30 years and, in 1964-1965, served as the first and only national president of the American Legion Auxiliary from the State of Alabama; and

WHEREAS, she further is a past president of the Jackson Hospital Auxiliary and United Methodist Women for the First United Methodist Church of Jackson; a Past Worthy Matron, Order of the Eastern Star; and a past chairman of the Jackson Library Board and former Regent, Daughters of the American Revolution, among numerous other high offices and positions of leadership; and

WHEREAS, Lillian Pugh Andrews, in addition to Alabama Senior Hall of Fame recognition, also is the recipient of numerous other awards, honors, and accolades including Huntingdon College's Board of Distinguished Guests and the college's Hall of Fame, Alabama Woman of the Year by United Press International, Society of the Golden Key by her Alma Mater, Livingston

University as well as said University's National Alumni Association designation as Most Outstanding Alumnus; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Lillian Pugh Andrews of Jackson, Alabama, for outstanding achievement and service to community, state and nation.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mrs. Andrews that she may know of our sincere regard and of our heartiest congratulations on her selection to the Alabama Senior Hall of Fame.

On motion of Rep. Breedlove, the rules were suspended and the resolution, H. J. R. 142, was adopted.

Also:

By Rep. Gray:

H. R. 143. MEMORIALIZING THE U. S. SUPREME COURT AND CONGRESS REGARDING ABUSE OF FIRST AMENDMENT RIGHTS.

WHEREAS, the Alabama House takes note with sorrow of the U. S. Supreme Court's misinterpretation of the intent of the First Amendment to the U. S. Constitution granting freedom of speech wherein the said Supreme Court in their opinion of, to wit, February 24, 1988, condoned and actually encouraged the using of innuendos, half-truths and untruths as satire to assassinate the character of an individual regardless of whether in public or private life, in the case involving litigation between Hustler Magazine's Larry Flint and the Reverend Jerry Falwell; and

WHEREAS, it is the opinion of this House that the ruling of the U. S. Supreme Court in the said Flint-Falwell case is a miscarriage of justice; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the U. S. Supreme Court is urged to reconsider and vacate the said opinion and ruling, and find for the Reverend Jerry Falwell.

BE IT FURTHER RESOLVED, That the Alabama House does hereby urge Congress to pass an amendment to the First Amendment to the U. S. Constitution to set bounds to the said First Amendment so as to prohibit such abuse of "free speech" through character assassination, whether by satire or otherwise.

RESOLVED FURTHER, That copies of this resolution be sent to each Justice of the U. S. Supreme Court and to each member of the Alabama Congressional Delegation.

The motion offered by Rep. Gray to suspend the rules and adopt the resolution, H. R. 143, was lost, lacking a four-fifths vote.

Yeas 29; Nays 14.

Yeas:

Mr. Speaker, Beers, Breedlove, Brooks, Burke, Carter, Crow, Curry, Dillard, Frazier, Gaston, Headley, Hill, Hogan, Holley, Hooper, Knight, Kvalheim,

McKee, McMillan, Mikell, Moon, Payne, Petelos, Richardson, Slaughter, White (G), Williams and Wright.

—29

Nays:

Reps. Bryant, Buskey (JL), Davis, Grayson, Higginbotham, Johnson (RW), Junkins, Kennedy, McDowell, Newton, Perdue, Reed, Rogers and Spratt.

—14

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H. R. 143, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Headley:

H. J. R. 144. COMMENDING THE FAIRVIEW VOLUNTEER ATV RESCUE TEAM AS NUMBER ONE IN ATV RESCUE IN ALABAMA.

WHEREAS, the Fairview Volunteer ATV Rescue Team is a very special unit composed of Coordinator Tobie Mayfield; members Benny Mims, Roger Mims, Keith Graham, Kenneth Graham, James Gentry, Renee Gentry, David Hammric, Paul Bavar, Don Kilgore, Kendell Williams, Eddie Burnett, Karen Burnett, Shane Mayfield, Tim Minor, Gary Minor, Junior Edwards, Jeff Williams, David Williams, Clark Culpepper, Joey Giles, Charles Barnes and James Graham; and

WHEREAS, organized in 1987, the Fairview ATV Rescue Team provides a fast and effective means of locating lost and injured persons in isolated areas of Chilton County and provides on-the-scene life support with trained emergency medical personnel and equipment; and

WHEREAS, Eddie Campbell, an 80-year-old diabetic suffering from heart disease, left his residence and became disoriented and lost in a wooded area in the Campbell Community at 9:00 a.m., August 6, 1988; however, a search of the area that day, by conventional rescue units, failed to locate Mr. Campbell, and the Fairview ATV Team, called to the scene at 8:00 p.m., located Mr. Campbell at approximately 8:30 p.m.; and

WHEREAS, Chilton County Department of Emergency Management director, Bill Collum, said the initiative of the Fairview Department to create, train, and maintain the unique rescue unit is a tribute to the Department's willingness to be innovative in finding ways to help their community during emergencies; and

WHEREAS, the Chilton County Commission honored this special unit at its August 8th meeting with a resolution commending the ATV Rescue Unit for its actions in locating and possibly saving the life of Mr. Campbell; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus with the Chilton

County Commission, we hereby most highly commend the Fairview ATV Rescue Team for their outstanding work and innovative action in locating and quite possibly saving the life of Mr. Eddie Campbell.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Coordinator Tobie Mayfield with copies also provided for all members of Fairview ATV Rescue Team, Number One in ATV Rescue in Alabama.

On motion of Rep. Headley, the rules were suspended and the resolution, H. J. R. 144, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Headley:

H. R. 145. COMMENDING THE FAIRVIEW VOLUNTEER ATV RESCUE TEAM AS NUMBER ONE IN ATV RESCUE IN ALABAMA.

Also:

By Rep. Gray:

H. R. 146. URGING A RETRACTION BY AEA EXECUTIVE SECRETARY, PAUL R. HUBBERT, OF ERRONEOUS INFORMATION PUBLISHED IN THE ALABAMA SCHOOL JOURNAL.

WHEREAS, on page three of the September 2, 1988, issue of the Alabama School Journal, the pictures and names of 34 members of this body appeared under the headline, "they voted for only a 5% raise," while 58 members pictured and named on page two are identified as those voting to "fund a 7.5% raise"; and

WHEREAS, in paragraph three of this article Dr. Hubbert refers to a vote on a Ways and Means Committee substitute for a 7.5% raise as being the "crucial vote" on salaries; and

WHEREAS, in reality, however, the "crucial vote," resulting in approval by the House of the 7.5% increase in educators' salaries, was on HB 65 which is duly recorded in the official House Journal, showing that the bill passed by a vote of 93-0, a mathematical impossibility had 34 members voted for only a 5% raise; and

WHEREAS, Dr. Hubbert, we assume, will agree that, in simple arithmetic, two plus two still equals four, just as it still takes 58—those identified as voting for the 7.5% raise—plus 35 to equal the 93 yeas recorded for HB 65; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby urge Dr. Paul Hubbert, Editor of the Alabama School Journal with its circulation of 64,000 misinformed subscribers, to publish a retraction of the erroneous information in the aforementioned article and that said retraction again include pictures and names of those so falsely accused.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to immediately forward a copy of this resolution to Editor Paul R. Hubbert,

and that a copy also be forwarded to Mr. Garland Pounds, president of the Alabama Education Association.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Gray offered the motion to suspend the rules and adopt the resolution, H. R. 146.

DIVISION OF THE QUESTION

Rep. Johnson (RW) called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Gray to suspend the rules in order to take up for immediate consideration the resolution, H. R. 146, and the motion was lost.

Yeas 6; Nays 41.

Yeas: Reps. Breedlove, Brooks, Curry, Gray, Mikell and Petelos. —6

Nays:

Mr. Speaker, Biddle, Black, Blake, Bryant, Bugg, Burke, Buskey (JL), Campbell, Carter, Davis, Ford, Fuller, Goodwin, Grayson, Grouby, Hammett, Headley, Higginbotham, Hill, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, McClain, McDowell, Melton, Moon, Newman, Newton, Parker, Perdue, Reed, Spratt, Starkey, Thomas, Venable, White (L) and Zoghby.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H. R. 146, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Grouby:

H. J. R. 147. CONGRATULATING CHRISTY LYNN McMICHAEL OF PRATTVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama most heartily congratulates and commends Christy Lynn McMichael of Prattville, Alabama, on her selection as Miss Junior World USA, Teen Division, for the State of Alabama; and

WHEREAS, Miss McMichael, the beautiful young daughter of Mr. and Mrs. Tom McMichael and the granddaughter of Mr. and Mrs. Rufus Head, participated in three days of sportswear, swimsuit and photogenic competition to be named Most Photogenic and first alternate and fourth alternate in the swimsuit and sportswear competitions, respectively; and

WHEREAS, as Junior World USA for the State of Alabama, Miss McMichael also served as Alabama's representative in Atlanta, thereby greatly enhancing the image of our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Christy Lynn McMichael of Prattville, Alabama, as Miss Junior World USA for the State of Alabama and do further direct that she receive a copy of this resolution, expressing our sincere regard of her accomplishments and warm best wishes for every future success in life.

On motion of Rep. Grouby, the rules were suspended and the resolution, H. J. R. 147, was adopted.

Also:

By Rep. Grouby:

H. J. R. 148. MOURNING THE DEATH OF WILLIAM HOLLIE MONCRIEF OF PRATTVILLE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of William Hollie Moncrief of Prattville, Alabama, on June 2, 1988, at the age of 93 years; and

WHEREAS, a native and lifelong resident of Prattville, Mr. Moncrief was a United States Army veteran of World War I, returning to Prattville in 1918 to enter his father's general merchandise business which was founded in 1900; and

WHEREAS, Mr. Moncrief remained active in the family business, which now is limited to retail furniture sales, until shortly before his death, and was joined in its active operations by his son and grandson who, for the past few years, have assumed much of the business responsibilities; and

WHEREAS, although prominent in the business community as a successful merchant, Mr. Moncrief also greatly contributed to the banking industry in Alabama through service with the Bank of Prattville from its establishment in 1935; he was the last surviving member of the bank's original board of directors and was honored by the Alabama Bankers' Association in 1985 for his 50 years of contributions and achievement in that field; and

WHEREAS, Mr. Moncrief also served in unassuming but effective leadership in other areas of interest and concern to the community and is remembered with gratitude and esteem for his instrumental roles in such undertakings as the rebuilding of the First Presbyterian Church following its destruction by fire in 1941, and the establishment of Prattville's first modern schoolhouse, now the Prattville Primary School; and

WHEREAS, he also was active in the Prattville Lions Club, Shriners and the American Legion, and was an Elder and Deacon of First Presbyterian Church; and

WHEREAS, William Hollie Moncrief, a truly beloved citizen of Prattville and Autauga County, was a kind, caring gentle man whose thoughts and deeds were for those in need of a helping hand, a word of cheer and the support and encouragement of a faithful friend; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of William Hollie Moncrief and extend deepest sympathy to his daughter and son, Ellen Virginia Harris and Burein Whitfield Moncrief; and to other

family members, whose sorrow we sincerely share and for whom a copy of this resolution shall be provided.

On motion of Rep. Grouby, the rules were suspended and the resolution, H. J. R. 148, was adopted.

Also:

By Reps. Hill and Knight:

H. J. R. 149. COMMENDING SHELBY COUNTY'S ELVIN HILL ELEMENTARY SCHOOL.

WHEREAS, Elvin Hill Elementary School, for the school year 1987-88, was selected by the United States Department of Education's School Recognition Program as one of 286 public schools designated, nationwide, as a model school; and

WHEREAS, Elvin Hill Elementary School was one of only three public schools in the State of Alabama to receive this national recognition; and

WHEREAS, Elvin Hill Elementary School was judged on such criteria as clear academic goals, high expectations, order and discipline, student rewards and incentives, frequent monitoring of student progress, students' responsibility, teachers' leadership, teachers' rewards and incentives, concentration of classroom time on academics, positive climate, administrative leadership, well articulated curriculum, evaluation for instructional improvement and community support and involvement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in recognition of outstanding achievement, we hereby most heartily congratulate and commend Elvin Hill Elementary School, Principal Ann Head, the staff, the students, and the community.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate presentation and display at Elvin Hill Elementary School, Columbiana, Alabama.

On motion of Rep. Hill, the rules were suspended and the resolution, H. J. R. 149, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Flowers:

H. R. 150. CONGRATULATING MR. AND MRS. JAMES EDWARD STEED ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Rep. Flowers:

H. R. 151. HONORING OUR COLLEAGUE, HERMAN MARKS OF DECATUR, AND DESIGNATING HIM AS THE MOST DISTINGUISHED MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES FOR 1988.

Also:

By Rep. Flowers:

H. R. 152. HONORING OUR COLLEAGUE, ERNEST DILLARD OF COURTLAND, AND DESIGNATING HIM AS THE MOST HIGHLY RESPECTED MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES FOR 1988.

Also:

By Rep. Flowers:

H. R. 153. HONORING OUR COLLEAGUE, ED FRAZIER OF RED MILL, WALKER COUNTY, ALABAMA, AND DESIGNATING HIM AS THE MOST CONSCIENTIOUS MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES FOR 1988.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 160. Relating to Shelby County; to provide further for the compensation of certain poll officials and poll workers.

Also:

H. 166. Relating to Mobile County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner upon the expiration of the current terms of office of tax assessor and tax collector; prescribing the powers, duties, and term of office of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Mobile County; repealing conflicting laws; and providing that this act shall become effective only upon the approval of a majority of the qualified electors of Mobile County voting thereon in a referendum election.

Also:

H. 176. Relating to the City of Huntsville in Madison County; to authorize the Huntsville Board of Education and the Huntsville City Council to agree to qualify, run for office, and be elected from the same geographical districts, and to allow the said Board and Council to agree to have five or more such districts.

Also:

H. 230. Relating to the City of Prichard in Mobile County; limiting the number of city council members on the water works and sewer board to no more than one.

Also:

H. 231. Relating to Madison County; to exempt from all county, local or municipal ad valorem taxes all property owned and used by the Huntsville Land Trust, Incorporated.

Also:

H. 284. To authorize the City of Huntsville to acquire and operate passenger excursion trains upon the tracks of any public or private railroad within Madison County based upon agreements for such operation between the city and any such public or private railroad corporation or other entity.

Also:

H. 309. Relating to Perry County; authorizing the county commission to levy an additional ad valorem tax in said county to be used for general purposes and providing for a referendum.

Also:

H. 321. Authorizing the probate judge of Perry County to have a chief clerk and two additional clerks to assist the probate judge of Perry County in the performance of his duties and to provide for retroactive effect.

Also:

H. 322. Authorizing the county commission of Perry County to provide for a chief clerk and not more than two additional clerks to assist the county commission of Perry County in the performance of its duties.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Corbett, Covington, and deGraffenried:

S. J. R. 44. HONORING DAN A. EASTERLING, II, BY NAMING THE PRISON FACILITY AT CLIO, ALABAMA THE DAN A. EASTERLING, II, PRISON.

WHEREAS, the untimely death of Dan A. Easterling, II, is deeply regretted and mourned; and

WHEREAS, he was a lifelong resident of Clio, Alabama, and a graduate of Barbour County High School, Troy State Teachers' College and Jones Law School; and

WHEREAS, Dan A. Easterling, II, served as a member of the Council of the Town of Clio, Alabama and as Mayor of Clio from 1950 until his death in 1988. Mr. Easterling was a successful farmer, merchant, and banker

and at the time of his death was Chairman and President of the Peoples Bank of Clio; and

WHEREAS, through his untiring efforts he was instrumental in obtaining the new prison facility for Clio, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do respectfully request the Department of Corrections to name the prison facility at Clio, Alabama, the "Dan A. Easterling, II, Prison."

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Department of Corrections and to the family of Dan A. Easterling, II.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Clark (J), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 44, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Goodwin:

S. J. R. 32. URGING THE NCAA TO ADOPT A RULE MANDATING THAT ITS MAJOR COLLEGE AND UNIVERSITY MEMBERS SHALL DENY ADMISSION AFTER 1992 TO THOSE ATHLETES WHO CANNOT SATISFY ITS ACADEMIC ADMISSION STANDARDS AND FURTHER URGING THE PRESIDENTS OF THE MEMBER UNIVERSITIES OF THE SOUTHEASTERN CONFERENCE TO WITHHOLD IMPLEMENTATION OF THEIR RECENT DECISION THAT WOULD DENY SUCH ATHLETES ADMISSION TO THEIR UNIVERSITIES AFTER 1992 UNTIL SUCH TIME AS THE NCAA REQUIRES ALL OF ITS MAJOR COLLEGE AND UNIVERSITY MEMBERS TO USE THE SAME ACADEMIC ADMISSION STANDARDS FOR ATHLETES.

WHEREAS, the Southeastern Conference is nationally recognized for its rich tradition of intercollegiate athletic excellence; and

WHEREAS, the member universities of the SEC compete athletically against colleges and universities that are not in the SEC; and

WHEREAS, a vast majority of the nonconference athletic opponents of SEC Universities continue to allow those athletes who are designated as "partial-qualifiers" under current NCAA admission standards to enter their universities in a status whereby they are ineligible to participate in athletics during their Freshman year; and

WHEREAS, certain athletic programs at major NCAA colleges and universities have become great sources of revenue for their respective schools in recent years; and

WHEREAS, the success of these athletic programs is predicated on the program's ability to maintain a high degree of competence through the recruitment of outstanding athletes; and

WHEREAS, each year many "blue-chip" athletes that possess enough individual talent to bring immediate success to a program fall into the "partial-qualifier" category which under the recent decision of the Presidents of the SEC Universities would preclude them after 1992 from ever displaying their talents while wearing a uniform of an SEC school which in turn places said conference at a competitive disadvantage when engaging in non-conference competition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby urge and implore the NCAA to adopt a rule mandating that its major college and university members shall deny admission after 1992 to those athletes who cannot satisfy its academic admission standards and we further urge and implore the Presidents of the member universities of the Southeastern Conference to withhold implementation of their recent decision until such time as the NCAA requires all of its major college and university members to use the same academic admission standards for athletes.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the President of the NCAA, the national headquarters office of the NCAA, the Presidents of all SEC Universities, the Governor, the Lieutenant Governor and each member of the Legislature.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Carothers, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 32, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Preuitt:

S. J. R. 53. COMMENDING LLOYD G. MCCLENNY FOR DISTINGUISHED SERVICE TO THE SCHOOLS OF COOSA COUNTY, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Venable, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 53, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Rice:

S. J. R. 49. NAMING THE ACT WHICH HOUSE BILL 233 BECOMES "THE STEVE HETTINGER DRUG ENFORCEMENT ACT".

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Act which House Bill 233 becomes be designated as "The Steve Hettinger Drug Enforcement Act".

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Butler, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 49, set out the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Langford:

S. J. R. 42. COMMENDING ASU RUNNING BACK, BRAD BAXTER, FOR OUTSTANDING ACHIEVEMENT.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Buskey (JL), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 42, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 112. DESIGNATING NOVEMBER 14, 1988, AS "OPERATION BLESSING DAY" IN ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Gray, the House concurred in and adopted the Senate amendment to the resolution, H. J. R. 112, said Senate amendment being as follows:

Amend HJR 112 Page 2 Line 24, by striking out fourteen after the word thousand and insert there in the word four.

LEAVE OF ABSENCE

At the request of Rep. Butler, leave of absence was granted for Rep. Hettinger.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 159. To amend Section 32-6-61, Code of Alabama 1975, as amended, to provide that the special license tag or license plate fees provided by Section 32-6-150(a) shall not be prorated, but shall be paid on an annual basis.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Payne, the House concurred in and adopted the Senate amendment to the bill, H. 159, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 32-6-61, Code of Alabama 1975, as amended, to provide that the special license tag or license plate fees provided by Section 32-6-150(a) shall not be prorated, but shall be paid on an annual basis.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-6-61, Code of Alabama 1975, is hereby amended to read as follows:

“§32-6-61. Same—Individual’s last name determines month; trucks, commercial fleets, etc; expiration date; reregistration of purchased vehicles.

The staggered system for the licensing, registration and taxation of motor vehicles shall be implemented thusly: The first letter of an individual’s last name shall determine the month in which a vehicle owner shall register his vehicle(s), as indicated below:

January	. . . A, D
February	. . . B
March	. . . C, E
April	. . . F, G, N
May	. . . H, O
June	. . . M, I
July	. . . P, L
August	. . . J, K, R
September	. . . Q, S, T
October	. . . U, V, W, X, Y, Z, trucks, mobile homes, commercial and fleet vehicles
November	. . . Trucks, mobile homes, commercial and fleet vehicles.

After the conversion period all owners of private passenger vehicles and pickup trucks of 12,000 pounds and under shall continue to register their vehicles during the month assigned to the first initial of their last name. All license plates issued on a staggered registration basis shall expire on the last day of the month which precedes the month assigned for the purchase or renewal of license registration.

All license plates issued to motor vehicles for which licensing, registration and taxation are due in October and November shall expire on September 30.

During the implementation period and thereafter all licensing, registration and ad valorem taxation of motor vehicles shall be prorated on a monthly basis, except that the special license tag or plate fees provided by section 32-6-150(a) shall not be prorated.

All persons who acquire a motor vehicle which is located in this state and required to be registered in this state, with exception of licensed motor vehicle dealers who purchase a vehicle for resale, shall within 10 calendar days from date of purchase reregister the vehicle with the probate judge or other county official authorized and required by law to issue license plates, of the county in which the owner resides, if the owner is an individual, or of the county in which said motor vehicle is used or operated if the owner is a firm, corporation or association. The owners shall be issued a new registration receipt and purchase a license plate or validation decal(s) to the appropriate month assigned for renewal; however, no additional fee or ad valorem tax need be paid other than registration issuance fee when renewal month and year remain the same."

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 35; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blakeney, Breedlove, Brooks, Bryant, Bugg, Burke, Carter, Curry, Davis, Dillard, Flowers, Ford, Gaston, Goodwin, Headley, Hill, Hogan, Knight, Kvalheim, McClain, McDowell, Moon, Newman, Petelos, Rains, Richardson, Rogers, Venable, White (F), White (L), Willis and Wright.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 52. To amend Sections 9-11-44 and 9-11-53, Code of Alabama 1975, relating to annual resident hunting and fishing licenses, respectively, so as to increase the license fees, to further provide for a hunting license exemption for certain residents, to delete a provision for a county fishing license, to increase the fishing license issuance fee, to further provide for an exemption relating to certain fishing by certain county residents, to provide for an exemption for certain persons fishing pursuant to Act No. 88-578, to increase the penalties in Section 9-11-44, and to authorize the issuance of licenses on a combination basis.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Richardson, the House concurred in and adopted the Senate amendment to the bill, H. 52, said Senate amendment being as follows:

Amend H. 52 as follows:

On page 5, line 36, after the period, insert the following language:

The Department of Conservation and Natural Resources is hereby directed to enter into a reciprocal agreement with the State of Florida to exempt residents of Alabama over 65 years of age from the requirement of procuring a license in Florida by exempting residents of Florida over 65 years of age from the requirement of procuring a license in Alabama.

Amend House Bill No. 52 Page 4 Line 5, by striking out the following after the word "hunting," to strike out "a driver's license" and insert the following

"proof of age" and renumber the following lines

Amend H. 52 as follows:

On page 5, line 36, after the period, insert the following language:

The Department of Conservation and Natural Resources is hereby directed to enter into reciprocal agreements with Florida to exempt residents of this state over 65 years of age from the requirement of procuring a license in that state by exempting residents of other states over 65 years of age from the requirement of procuring a license in this state.

Amend H. 52 as follows:

On page 5, line 36, after the period, insert the following language:

The Department of Conservation and Natural Resources is hereby directed to enter into reciprocal agreements with other states to exempt residents of this state over 65 years of age from the requirement of procuring a license in that state by exempting residents of other states over 65 years of age from the requirement of procuring a license in this state.

Yeas 49; Nays 2.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Breedlove, Britnell, Brooks, Burke, Buskey (JL), Carter, Curry, Davis, Dillard, Faulk, Gaston, Grouby, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Knight, Kvalheim, Laird, Layson, Marks, McClain, McDowell, McKee, Mikell, Moon, Newman, Newton, Parker, Perdue, Petelos, Rains, Richardson, Rogers, Slaughter, Venable, Warren, White (L), Willis, Wright and Zoghby.

—49

Nays: Reps. Payne and Poole.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 142. To amend section 32-7-4, Code of Alabama 1975, relating to fees for abstracts of driving records, so as to increase the fee for an abstract of a driving record from \$4.00 to \$5.50.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Crow, the House non-concurred in the Senate amendment to the bill, H. 142, said Senate amendment being as follows:

Amend House Bill No. 142 Page 1 Line 33, by deleting the figure “\$5.50” and inserting the figure “\$6.50”

Yeas 55; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Campbell, Crow, Davis, Dillard, Flowers, Freeman, Gaston, Grouby, Hall, Hamilton, Hammett, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RW), Junkins,

Kennedy, Kvalheim, Laird, Layson, Marks, McDowell, McKee, Moon, Newman, Parker, Payne, Petelos, Rains, Richardson, Rogers, Starkey, Turner, Warren, White (L), Willis and Wright.

—55

Nay: Rep. Poole.

—1

On motion of Rep. Crow, a Committee on Conference was granted on the disagreement of the two Houses on the Senate amendment to the bill, H. 142.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House Reps. Crow, Harvey and Flowers.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 276. To provide for the department of public safety to furnish criminal history record searches of convictions within the state of Alabama whenever allowed by law and to establish a fee for providing the same.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Breedlove, the House concurred in and adopted the Senate amendment to the bill, H. 276, said Senate amendment being as follows:

Amend House Bill No. 276 Page 1 Line 26, by striking out 10⁰⁰ and inserting \$20

Yeas 46; Nays 15.

Yeas:

Reps. Adams, Beasley, Blake, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Carothers, Crow, Curry, Davis, Dillard, Escott, Frazier, Gaston, Grouby, Hammett, Headley, Hill, Hogan, Kennedy, Knight, Kvalheim, Laird, Layson, Marietta, Marks, McClain, McMillan, Mikell, Newman, Newton, Penry, Petelos, Reed, Richardson, Rogers, Spratt, Starkey, Turner, Venable, White (L), Willis, Wright and Zoghby.

Nays:

Reps. Beers, Freeman, Grayson, Hall, Hamilton, Holley, Hooper, Johnson (RW), Junkins, McDowell, McKee, Moon, Parker, Payne and Poole.

—15

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Manley (With Notice and Proof):

S. 174. To authorize the Choctaw County Board of Health to designate the services rendered by the County Health Department for which a reasonable fee may be charged and to set the appropriate fee for each service. No citizen shall be denied any service because of that person's inability to pay.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 174, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 174. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator deGraffenried:

S. 98. To amend Section 5-19-4, Code of Alabama 1975, relating to consumer finance, so as to require actuarial method of computation on consumer loans and consumer credit sales with an original term of more than 61 months and to clarify method of refund in all other cases.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 98. Banking.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Amari, Parsons, Bedford, Ellis, and Hale:

S. 53. Authorizing and empowering the state highway department to set speed limits in urban and rural construction zones along state and interstate highways.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 53. Highway Safety.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Horn:

S. 199. To amend Act No. 87-761 of the 1987 Regular Legislative Session as it amended Section 4 of Act No. 86-645 1st Special Session, 1986, concerning the repayment of funds transferred from Fund No. 305735 by said Act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 199. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Rice:

S. 150. To amend sections 16-33B-1, 16-33B-3 and 16-33B-4, Code of Alabama 1975, relating to the Alabama guaranteed student loan program, so as to define approved lender, student loan, Federal Student Loan Law and eligible institution; to provide program administration in accordance with

the Federal Student Loan Law; to provide for basic powers and duties of the Alabama Commission on Higher Education in accordance with the Federal Student Loan Law; to promote the availability of the Alabama guaranteed student loan program; and to service loans.

Also:

By Senator Rice:

S. 151. To amend Sections 16-6A-12 and 16-6A-13, Code of Alabama 1975, which provide for the Educational Reform Act of 1984, so as to provide further for eligibility for and repayment of scholarship loans for teacher education programs in critical needs areas.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 150. Ways and Means.

S. 151. Ways and Means.

BILLS ON THIRD READING

And the bill:

H. 172. (With Substitute): To authorize the Jefferson County Board of Health to designate services rendered by the health department under its control for which fees may be charged and to establish the appropriate fee for each service; to authorize the Jefferson County Board of Health to charge and collect fees for services designated pursuant to this act; to provide that all fees established and collected pursuant to this act shall be retained and used by the Jefferson County Board of Health; to provide that all fees established and collected pursuant to this act shall not replace, but shall supplement and be in addition to, any and all federal, state and local funds otherwise provided to the Jefferson County Board of Health; to provide conditions applicable to the establishment and modification of fees authorized pursuant to this act; to authorize the Jefferson County Board of Health to adopt and to alter rules and regulations for the implementation and administration of this act and to provide that fees charged pursuant to this act shall be established, modified and collected in accordance with such rules and regulations; to provide that fees for services shall not be charged to persons unable to pay and to provide for confidentiality in the determination of any person's ability to pay; and to repeal all laws or parts of laws in conflict with this act to the extent applicable to Jefferson County.

Was taken up.

SUBSTITUTE OFFERED

Rep. Slaughter offered the following substitute to the bill, H. 172, and to the pending substitute reported by the Standing Committee on Local Legislation No. 2:

A BILL TO BE ENTITLED AN ACT

To authorize the Jefferson County Board of Health to designate services rendered by the health department under its control for which fees may be

charged and to establish the appropriate fee for each service; to authorize the Jefferson County Board of Health to charge and collect fees for services designated pursuant to this act; to provide that all fees established and collected pursuant to this act shall be retained and used by the Jefferson County Board of Health; to provide that all fees established and collected pursuant to this act shall not replace, but shall supplement and be in addition to, any and all federal, state and local funds otherwise provided to the Jefferson County Board of Health; to provide conditions applicable to the establishment or increase of fees authorized pursuant to this act, including the requirement of a public hearing and the right of the Jefferson County Commission to disapprove the establishment or increase of any fee; to authorize the Jefferson County Board of Health to adopt and to alter rules and regulations for the implementation and administration of this act and to provide that fees charged pursuant to this act shall be established, modified and collected in accordance with such rules and regulations; to provide that fees for services shall not be charged to persons unable to pay and to provide for confidentiality in the determination of any person's ability to pay; and to repeal all laws or parts of laws in conflict with this act to the extent applicable to Jefferson County.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Jefferson County Board of Health is hereby authorized to designate services rendered by the health department under its control for which fees may be charged and to establish the fees to be respectively charged for such services, subject to the disapproval of such fees by the Jefferson County Commission as provided in Section 3 of this act, which authority may be used or not used in accordance with the provisions of this act as and to the extent deemed necessary or desirable by said Board of Health. The services which may be designated pursuant to this act as services for which fees may be charged include, without limitation thereto, (i) inspection and certification services performed in connection with the administration and enforcement of public health and environmental laws and regulations, (ii) health care services provided through out-patient clinics, home health care or other service programs, (iii) the administration of tests to determine the incidence of disease in the population as a whole or among particular groups, (iv) the administration of vaccinations and inoculations against communicable diseases, and (v) the reproduction and certification of documents needed or requested by the public. Upon the designation of services and the establishment of fees therefor by the Jefferson County Board of Health in accordance with the provisions of this act, the said Board of Health is hereby authorized to charge and collect the fees so established for the services so designated. All fees established and collected pursuant to this act shall not replace, but shall supplement and be in addition to, any and all federal, state and local funds otherwise provided to the Jefferson County Board of Health.

Section 2. All fees established by the Jefferson County Board of Health pursuant to this act shall be reasonable and proportional to the costs of providing the services for which such fees shall be respectively charged, and in no event shall the fee charged for any service exceed the total cost of providing such service (including a reasonable allocation of the general administrative expenses of the Jefferson County Health Department). No fees for any services shall be initially established or subsequently increased by the Jefferson County Board of Health without a public hearing, and notice of such public hearing shall be published at least one time in a newspaper having general circulation in Jefferson County not more than

four nor less than two weeks prior to the date of such public hearing. The published notice of such public hearing shall state the intention of the Jefferson County Board of Health to establish or increase fees for the services in question, shall give the date, time and place of the public hearing with respect thereto, and shall contain a description of such services together with a schedule of the fees to be charged therefor (including an identification of any increases to be made in fees theretofore established).

Section 3. Upon the adoption of a resolution by the Jefferson County Board of Health initially establishing or subsequently increasing any fees for any services, a certified copy of such resolution shall be promptly forwarded to the Jefferson County Commission. The Jefferson County Commission shall have thirty (30) calendar days after the receipt thereof during which it may adopt a resolution disapproving the establishment or increase of such fees, and any fee or increase thereof so disapproved shall not take effect. If the Jefferson County Commission takes no action with respect to the establishment or increase of any fee within thirty (30) days following receipt of the certified copy of the resolution of the Jefferson County Board of Health establishing or increasing such fee, then such fee or increase thereof shall take effect without the need for any action by the Jefferson County Commission and the Jefferson County Commission shall have no further power to disapprove such fee or to require its rescission or reduction. The disapproval of the establishment or increase of any fee by the Jefferson County Commission shall not preclude further action by the Jefferson County Board of Health under this act to reestablish and resubmit to the Jefferson County Commission such previously disapproved fee or any revision thereof, without limitation as to number of resubmissions and on such schedule as the Jefferson County Board of Health shall deem desirable.

Section 4. The Jefferson County Board of Health is hereby authorized to adopt, and to alter from time to time, rules and regulations for the proper implementation and administration of this act that are not inconsistent with the express provisions hereof. Fees for services authorized by this act shall be established, modified and collected in accordance with such rules and regulations as from time to time put into effect by the Jefferson County Board of Health.

Section 5. No person shall be denied any service because that person (or if a minor, the parent or legal guardian of such person) is unable to pay the fee for such service established pursuant to this act. The determination of a person's ability to pay shall be made in confidence and under circumstances that will protect the dignity of the person receiving the service. Using any appropriate standards of ability to pay for health care provided by the United States Government or any agency thereof, the Jefferson County Board of Health may establish a sliding fee scale based on a person's ability to pay. Any provision of this act to the contrary notwithstanding, this act shall not be interpreted or applied to authorize any increase in the fees, if any, that any person may be required to pay for any examination, treatment, vaccination, inoculation or other health care service of any kind that, as of the effective date of this act, is being provided by the Jefferson County Board of Health if the income of such person or the family to which such person belongs is below the poverty level for residents of the State of Alabama determined from time to time by the United States Government or any agency thereof, unless such increase is required by federal or state law to comply with, or to gain additional benefit from, Medicaid or other governmental health care assistance programs; provided, however, that if the Jefferson County Board of Health incurs increases in the cost of drugs or

pharmaceuticals that it sells through its pharmacy operations, and if such cost increases are not defrayed by additional funding from governmental or private sources, then the Jefferson County Board of Health may increase the selling price of such drugs or pharmaceuticals to all persons, regardless of income level, to such extent as may be necessary to recover such cost increases. In the event that the Jefferson County Board of Health has an opportunity to obtain funding from private or governmental sources for new or expanded health care services not being provided as of the effective date of this act, nothing contained in this act shall be interpreted or applied to prevent the Jefferson County Board of Health from charging such fees for such health care services as shall be required by such private or governmental funding sources, provided that the aggregate fees charged for such health care services, together with the funding provided by such private or governmental sources, shall not exceed the cost of providing such health care services.

Section 6. All fees established and collected pursuant to this act shall be retained by the Jefferson County Board of Health, and such fees are hereby appropriated to such Board of Health for use in carrying out its responsibilities to promote and maintain the health of the people of Jefferson County. Fees for services authorized by this act shall be collected and processed in accordance with recommendations made by the Department of Examiners of Public Accounts.

Section 7. This act shall not apply to or affect any fees otherwise authorized, established or collected under state or federal law or regulations. To the extent applicable to Jefferson County, all laws or parts of laws in conflict with this act are hereby repealed.

Section 8. The provisions of this act are expressly declared to be severable. If any provision of this act is adjudged to be invalid by any court of competent jurisdiction, such provision shall be severed from this act in order to effectuate the legislative intent that such judgment shall not affect, impair or invalidate the remainder of this act.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Beers, Blakeney, Britnell, Brooks, Bryant, Butler, Crow, Curry, Davis, Dillard, Escott, Freeman, Gaston, Hall, Hamilton, Headley, Hill, Knight, Kvalheim, Marietta, Marks, McClain, McDowell, McMillan, Newton, Parker, Payne, Petelos, Reed, Richardson, Rogers, Slaughter, Spratt, Thomas, White (G), White (L), Willis and Zoghby.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 172. To authorize the Jefferson County Board of Health to designate services rendered by the health department under its control for which fees may be charged and to establish the appropriate fee for each service; to authorize the Jefferson County Board of Health to charge and collect fees for services designated pursuant to this act; to provide that all fees established and collected pursuant to this act shall be retained and used by the Jefferson County Board of Health; to provide that all fees established and collected pursuant to this act shall not replace, but shall supplement and be in addition to, any and all federal, state and local funds otherwise provided to the Jefferson County Board of Health; to provide conditions applicable to the establishment or increase of fees authorized pursuant to this act, including the requirement of a public hearing and the right of the Jefferson County Commission to disapprove the establishment or increase of any fee; to authorize the Jefferson County Board of Health to adopt and to alter rules and regulations for the implementation and administration of this act and to provide that fees charged pursuant to this act shall be established, modified and collected in accordance with such rules and regulations; to provide that fees for services shall not be charged to persons unable to pay and to provide for confidentiality in the determination of any person's ability to pay; and to repeal all laws or parts of laws in conflict with this act to the extent applicable to Jefferson County.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 35; Nays 2.

Yeas:

Mr. Speaker, Blake, Blakeney, Britnell, Brooks, Bryant, Butler, Crow, Curry, Davis, Dillard, Escott, Freeman, Gaston, Hall, Headley, Hooper, Knight, Kvalheim, Marietta, Marks, McClain, McDowell, McKee, McMillan, Newton, Petelos, Rogers, Slaughter, Spratt, Thomas, White (G), White (L), Willis and Zoghby.

—35

Nays: Reps. Beers and Payne.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 291. (With Amendment): Relating to Mobile County; providing for the compensation and payment of salary of members of the county governing body.

Was taken up.

SUBSTITUTE OFFERED

Rep. Buskey (JE) offered the following substitute to the bill, H. 291, and to the pending amendment reported by the Standing Committee on Local Legislation No. 3:

A BILL
TO BE ENTITLED
AN ACT

Relating to Mobile County; providing for the compensation and payment of an additional salary for members of the county governing body, and to preserve certain Mobile County acts regarding salary and expense allowances for said members.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The members of the Mobile County Commission, the governing body of Mobile County, may increase the annual salary of the County Commission by resolution, not to exceed an amount equal to \$5,000 per year. Such compensation shall be payable in addition to any other salary provided by law, and shall become effective at the beginning of the next term of said County Commission or other like governing body following adoption of such resolution. In addition thereto, each member of the Commission shall continue to receive all expense allowances now provided by law. Said salaries and expense allowances shall be paid in equal monthly installments from any funds in the county treasury available for that purpose, as provided by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed except that Act No. 715 of the 1977 Regular Session, Act No. 84-485, H. 610 of the 1984 Regular Session and Act No. 85-434 of the 1985 Regular Session shall remain in full force and effect.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

Yeas 32; Nays 1.

Yeas:

Mr. Speaker, Black, Blake, Britnell, Brooks, Bryant, Buskey (JE), Butler, Clark (W), Curry, Davis, Dillard, Escott, Freeman, Gaston, Grayson, Hall, Hamilton, Kennedy, Knight, Kvalheim, Marietta, Marks, Melton, Newman, Newton, Parker, Payne, Slaughter, Spratt, White (G) and White (L).

—32

Nay: Rep. Harper.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

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And the bill:

H. 291. Relating to Mobile County; providing for the compensation and payment of an additional salary for members of the county governing body, and to preserve certain Mobile County acts regarding salary and expense allowances for said members.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 38; Nays 1.

Yeas:

Mr. Speaker, Blake, Blakeney, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Clark (W), Crow, Curry, Davis, Dillard, Escott, Ford, Grayson, Hall, Hamilton, Kennedy, Knight, Marietta, Marks, McClain, McDowell, Melton, Newman, Newton, Parker, Payne, Penry, Poole, Richardson, Slaughter, Spratt, White (G), Willis and Zoghby.

—38

Nay: Rep. Kvalheim.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 36. Relating to Talladega County, requiring the inspection of all asphalt plants eligible to bid on the sale of asphalt plant mix to the county or any municipality within the county by the highway department.

Was read a third time at length and passed.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Clark (W), Crow, Curry, Escott, Freeman, Gaston, Grayson, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Hill, Johnson (RG), Knight, Kvalheim, McClain, McDowell, McMillan, Mikell, Parker, Payne, Poole, Slaughter, Starkey, Thomas, Venable, White (G), White (L), Willis and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 38. Relating to Talladega County; to provide for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

Was read a third time at length and passed.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Breedlove, Britnell, Brooks, Bryant, Butler, Clark (W), Crow, Curry, Dillard, Escott, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hill, Johnson (RG), Knight, Kvalheim, Laird, Layson, Marks, McClain, Newton, Parker, Payne, Penry, Petelos, Poole, Slaughter, Spratt, Thomas, Venable, White (G), Willis and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 308. Relating to Perry County; authorizing the county commission to levy a one percent (1%) sales tax, a three cent (\$.03) tobacco tax, and a two cent (\$.02) gasoline tax, providing for the distribution of said taxes and for penalties in violation of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Campbell, Clark (W), Crow, Curry, Dillard, Escott, Freeman, Gaston, Grayson, Hall, Hamilton, Hammett, Headley, Hill, Knight, Kvalheim, Layson, Marks, McClain, Moon, Newman, Newton, Parker, Payne, Penry, Petelos, Slaughter, Spratt, Venable, White (G), Willis and Zoghby.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 346. Relating to Franklin County; amending Act No. 88-562, S. 667, 1988 Regular Session (Acts 1988, p. 881), levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, so as to provide further for the collection and enforcement of the tax; and for the distribution of the proceeds therefrom.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 29; Nays 0.

Yeas:

Mr. Speaker, Black, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Butler, Campbell, Clark (W), Crow, Curry, Dillard, Freeman, Gaston, Grayson, Grouby, Hamilton, Headley, Kvalheim, Marks, McClain, Newton, Parker, Payne, Poole, Spratt and Willis.

—29

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Hogan, the rules were suspended in order to take up out of order the bill, H. 337.

And the bill:

H. 337. To authorize the board of directors of the Alabama Mining Museum to erect signs on the rights-of-way of public roads and highways giving directions to the location of the museum.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Beers, Black, Blake, Britnell, Brooks, Bryant, Burke, Buskey (JL), Butler, Carothers, Carter, Clark (W), Crow, Curry, Dillard, Escott, Faulk, Ford, Frazier, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Harvey, Headley, Hill, Hogan, Holley, Johnson (RW), Knight, Kvalheim, Laird, Marks, McClain, McDowell, Melton, Mikell, Newton, Parker, Payne, Penry, Petelos, Poole, Rains, Reed, Richardson, Slaughter, Spratt, Starkey, White (G), Williams, Willis and Zoghby.

—56

H. 187 TEMPORARILY CARRIED OVER

On motion of Rep. Carothers, the bill, H. 187, was temporarily carried over.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Johnson (RW) House Rule 56 was suspended to permit the Standing Committee on Education to meet to consider the bill, H. 360.

H. 27 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 27, was temporarily carried over.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Campbell, the rules were suspended in order to take up out of order the bill, H. 6.

And the bill:

H. 6. Relating to elections; to define the meaning of terms used in this act; to provide for the designation and organization of a principal campaign committee by each candidate for election to state or local office; to designate the Secretary of State and the Judge of Probate as the recipients of reports and statements required to be filed by this act; to provide for the registration of political committees, including the principal campaign committee of each candidate; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to delineate the duties of the Secretary of State and Judge of Probate; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising; to prohibit the intimidation of voters, certain expenditures to influence voting, the publication or distribution of certain political statements, contributions in the name of another, fraudulent misrepresentations of campaign authority, and coercion of contributions; to provide penalties for the violation of the provisions of this act; to require that certificates of election be withheld under certain circumstances; and to repeal chapter 22 of Title 17 of the Code of Alabama 1975.

Was taken up.

AMENDMENT OFFERED

Rep. Campbell offered the following amendment to the bill, H. 6:

Amend House Bill 6, Page 5, Line 19, after the word "members", by inserting the following: or by a corporation to its stockholders and employees

Further amend House Bill 6, Page 16, Line 4, after the word "person", by striking the period (.) and inserting the following: provided, however, that nothing in this act would prohibit any person from soliciting and receiving contributions from other persons for the purpose of making expenditures to a candidate, political committee, or elected state or local official required to file reports pursuant to Section 8 of this Act.

Further amend House Bill 6, Page 17, Line 4, after the word "imprisonment" by striking the period (.) and inserting the following: provided, however, that this subsection shall not apply to contributions received or to expenditures made before the effective date of this Act.

Further amend House Bill 6, Page 17, Line 29, by striking the following: ~~not be required for any period of time prior to the effective date of this act.~~ and substituting in lieu thereof the following: be effective as of July 1, 1988.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL),

Butler, Campbell, Carothers, Carter, Clark (W), Crow, Curry, Dillard, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Laird, Layson, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—91

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, H. 6 as amended:

Amend H. B. 6, Section 12, Page 14, line 33 by adding after the word "identification" the following: and specific address

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Crow, Curry, Dillard, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Laird, Layson, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—87

And the bill, H. 6 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Black, Britnell, Brooks, Bugg, Buskey (JE), Butler, Campbell, Carothers, Crow, Curry, Dillard, Faulk, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Moon, Newman, Parker, Payne, Petelos, Poole, Rains, Reed, Richardson,

Rogers, Slaughter, Thomas, Venable, Warren, White (F), White (L), Willis, Wright and Zoghby.

—68

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 6:

Reps. Adams, Beasley, Beers, Biddle, Black, Britnell, Brooks, Bugg, Buskey (JE), Butler, Campbell, Carothers, Crow, Curry, Dillard, Faulk, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Moon, Newman, Parker, Payne, Petelos, Poole, Rains, Reed, Richardson, Rogers, Slaughter, Thomas, Venable, Warren, White (F), White (L), Willis, Wright and Zoghby.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Penry, the rules were suspended in order to take up out of order the bill, H. 240.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Butler, Carothers, Carter, Crow, Curry, Dillard, Faulk, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Harvey, Headley, Hill, Hogan, Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—74

And the bill:

H. 240. To amend Section 41-9-341, Code of Alabama, 1975, which relates to reimbursement of expenses of members of the USS Alabama Battleship Commission, so as to allow members to be reimbursed for actual expenses incurred from funds of the Commission and to amend Section 41-9-349, Code of Alabama, 1975, which relates to the powers of the USS Alabama Battleship Commission, so as to authorize the Commission to lease certain of its lands in furtherance of the purposes for which the Commission was organized.

Was taken up.

AMENDMENT OFFERED

Rep. Penry offered the following amendment to the bill, H. 240:

Amend H. 240 as follows:

On page 3 at the end of Section 2, after the period in line 12 add the following:

No lease may be entered into for longer than twenty-five years with option to renew every five year-period thereafter.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blakeney, Bowling, Box, Breedlove, Bryant, Bugg, Buskey (JL), Carothers, Carter, Crow, Curry, Davis, Dillard, Faulk, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Haynes, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Marietta, Marks, Mathis, McKee, McMillan, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Reed, Richardson, Rogers, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—69

CO-SPONSOR ADDED

Rep. Kvalheim was added as co-sponsor to the bill, H. 240.

And the bill, H. 240 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Carothers, Carter, Coburn, Crow, Curry, Davis, Dillard, Faulk, Flowers, Ford, Frazier, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hamilton, Hammett, Harper, Haynes, Headley, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Marietta, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Reed, Richardson, Rogers, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—77

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 240:

Mr. Speaker, Beers, Blake, Blakeney, Bugg, Buskey (JE), Buskey (JL), Carter, Clark (W), Curry, Faulk, Flowers, Fuller, Gaston, Gray, Grouby, Harper, Junkins, Kennedy, Knight, Marietta, Marks, McMillan, Moon, Penry, Petelos, Rains, Reed, Rogers, Starkey, Turner, White (F), White (G), White (L), Williams, Wright and Zoghby.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. White (L), the rules were suspended in order to take up out of order the bill, S. 148.

And the bill:

S. 148. To authorize the State Department of Veterans' Affairs to provide for the operation of a state veterans' home or homes; to provide for

the administration of such homes; to authorize the receipt and use of federal and other funds for such purpose; to provide for the powers and duties of the State Board of Veterans' Affairs regarding said veterans' home; to create a veterans' home trust fund; to provide certain admission and discharge policy, to require certain reports and budget requests, to specify reimbursement policy; and to provide that certain certification requirements are met.

Was read a third time at length and passed.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Crow, Curry, Davis, Dillard, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Reed, Richardson, Rogers, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—85

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. White (L), the rules were suspended in order to take up out of order the bill, S. 149.

And the bill:

S. 149. To provide for a voluntary check-off designation on state income tax returns for the 1988 tax year and each year thereafter for the Alabama Veterans' Home Program; to provide the form for such designation; to provide for the crediting to the Department of Veterans' Affairs of the total amount designated for nursing home and health care services for aged and disabled veterans in Alabama; and to provide for an effective date.

Was taken up.

AMENDMENT OFFERED

Rep. White (L) offered the following amendment to the bill, S. 149:

Amend S. B. 149, Page 1, line 17 by striking the numerals 1988 and inserting therein 1989.

Further amend S. B. 149, Page 2, line 12 by striking the numerals 1988 and inserting therein 1989.

Further amend S. B. 149, Page 3, line 7 by striking the word "~~immediately~~" and insert in place thereof, the new language "for income tax years beginning January 1, 1989."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Box, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Carter, Coburn, Crow, Curry, Davis, Dillard, Escott, Faulk, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Haynes, Hogan, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Lindsey, Marietta, Marks, Mathis, McDowell, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Reed, Slaughter, Starkey, Thomas, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—68

And the bill, S. 149 as thus amended, was read a third time at length and passed.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JE), Buskey (JL), Carter, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Escott, Faulk, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hogan, Holley, Hooper, Johnson (RG), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Marietta, Marks, Mathis, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Rogers, Slaughter, Spratt, Starkey, Thomas, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—71

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Biddle, the rules were suspended in order to take up out of order the bill, H. 342.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Breedlove, Britnell, Brooks, Bryant, Bugg, Butler, Campbell, Carothers, Carter, Coburn, Crow, Curry, Davis, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Haynes, Headley, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Payne, Penry, Perdue, Petelos, Poole, Reed, Richardson, Rogers, Slaughter, Spratt, Thomas, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—79

And the bill:

H. 342. To amend Act No. 88-475, H. 747, 1988 Regular Session, which act creates the Alabama Mental Health Finance Authority and provides for mental health projects of the Authority, and financing of such projects; so

as to authorize the Authority to enter into any necessary financial instruments or obligations with the Retirement Systems of Alabama in order to secure financing for the funding of projects of the Authority; and to provide that tax proceeds derived from sections 40-2-1 and 40-25-41, Code of Alabama 1975, or any subsequent tobacco tax, shall be primarily pledged for the payment of principal and interest on any said financing agreement.

Was taken up.

AMENDMENT OFFERED

Rep. Biddle offered the following amendment to the bill, H. 342:

Amend H. B. 342 on page 5, line 31, after the word "notwithstanding." by adding the following language:

Any short-term securities developed between said Authority and The Retirement Systems of Alabama for construction purposes shall bear an interest rate equal to other commercial paper purchases of The Retirement Systems' and further any intermediate or long-term securities shall bear an interest rate equal to or greater than the actuarial interest rate assumption and not less than 50 basis points above comparable U.S. Treasury bonds.

50% of all funds expended for facilities provided for by the Alabama Mental Health Finance Authority, under the provisions of Act 88-475, inclusive of any and all amendments to such Act, shall be designated for community facilities as defined within the Act.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Curry, Davis, Dillard, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Reed, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis and Zoghby.

—88

And the bill, H. 342 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 97; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis,

Dillard, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—97

Nay: Rep. Box.

—1

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 32. URGING THE NCAA TO ADOPT A RULE MANDATING THAT ITS MAJOR COLLEGE AND UNIVERSITY MEMBERS SHALL DENY ADMISSION AFTER 1992 TO THOSE ATHLETES WHO CANNOT SATISFY ITS ACADEMIC ADMISSION STANDARDS AND FURTHER URGING THE PRESIDENTS OF THE MEMBER UNIVERSITIES OF THE SOUTHEASTERN CONFERENCE TO WITHHOLD IMPLEMENTATION OF THEIR RECENT DECISION THAT WOULD DENY SUCH ATHLETES ADMISSION TO THEIR UNIVERSITIES AFTER 1992 UNTIL SUCH TIME AS THE NCAA REQUIRES ALL OF ITS MAJOR COLLEGE AND UNIVERSITY MEMBERS TO USE THE SAME ACADEMIC ADMISSION STANDARDS FOR ATHLETES.

Also:

S. J. R. 44. HONORING DAN A. EASTERLING, II, BY NAMING THE PRISON FACILITY AT CLIO, ALABAMA THE DAN A. EASTERLING, II, PRISON.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Zoghby, the rules were suspended in order to take up out of order the bill, H. 71.

S. 35 SUBSTITUTED FOR H. 71

On motion of Rep. Zoghby, the bill, S. 35, was substituted for the bill, H. 71.

And the bill:

S. 35. To amend Section 5-13A-2, Code of Alabama 1975, relating to banks and banking, to add the State of Texas to the states within the definition of "region" covered by the Alabama Regional Reciprocal Banking Act of 1986; to provide for severability of the provisions of this Act; to provide for the amendment of conflicting laws to the extent of such conflict; and to provide an effective date.

Was read a third time at length and passed.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Crow, Curry, Dillard, Drake, Escott, Faulk, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Layson, Marietta, Marks, Mathis, McClain, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Penry, Perdue, Petelos, Rains, Richardson, Slaughter, Spratt, Starkey, Turner, Venable, White (F), White (L), Williams, Willis and Zoghby.

—74

H. 71 INDEFINITELY POSTPONED

On motion of Rep. Zoghby, the bill:

H. 71. To amend Section 5-13A-2, Code of Alabama 1975, as amended, relating to banks and banking, so as to add the State of Texas to the states within the definition of "region" covered by the Alabama Regional Reciprocal Banking Act of 1986; to provide for severability of the provisions of this act; to provide for the amendment of conflicting laws to the extent of such conflict; and to provide an effective date.

Was indefinitely postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Thomas, the rules were suspended in order to take up out of order the bill, H. 22.

And the bill:

H. 22. To amend Sections 34-33-1, 34-33-2, 34-33-3, 34-33-4, 34-33-5, 34-33-6 and 34-33-10 of the Code of Alabama 1975, relating to fire protection sprinkler systems, so as to redefine such systems and to further regulate the fire protection sprinkler system business in this state.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Campbell,

Clark (W), Curry, Dillard, Drake, Escott, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Headley, Higginbotham, Hill, Holmes, Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, Mathis, McClain, McDowell, Melton, Moon, Newman, Newton, Payne, Perdue, Petelos, Richardson, Seibels, Slaughter, Spratt, Starkey, White (G) and Williams.

—56

Nay: Rep. Holley.

—1

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 291. Relating to Mobile County; providing for the compensation and payment of an additional salary for members of the county governing body, and to preserve certain Mobile County acts regarding salary and expense allowances for said members.

TOMMY CARTER,
Chairman.

And the bill, H. 291 as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 112. DESIGNATING NOVEMBER 14, 1988, AS "OPERATION BLESSING DAY" IN ALABAMA.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 159. To amend Section 32-6-61, Code of Alabama 1975, as amended, to provide that the special license tag or license plate fees provided by Section 32-6-150(a) shall not be prorated, but shall be paid on an annual basis.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 52. To amend Sections 9-11-44 and 9-11-53, Code of Alabama 1975, relating to annual resident hunting and fishing licenses, respectively, so as to increase the license fees, to further provide for a hunting license exemption for certain residents, to delete a provision for a county fishing license, to increase the fishing license issuance fee, to further provide for an exemption relating to certain fishing by certain county residents, to provide for an exemption for certain persons fishing pursuant to Act No. 88-578, to increase the penalties in Section 9-11-44, and to authorize the issuance of licenses on a combination basis.

Also:

H. 276. To provide for the department of public safety to furnish criminal history record searches of convictions within the state of Alabama whenever allowed by law and to establish a fee for providing the same.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Fuller, the rules were suspended in order to take up out of order the bill, S. 100.

Yeas 57; Nays 5.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Bowling, Box, Breedlove, Burke, Buskey (JE), Buskey (JL), Campbell, Carter, Crow, Dillard, Drake,

Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Layson, Logan, Marietta, Marks, McClain, McDowell, McMillan, Melton, Moon, Newman, Rains, Richardson, Spratt, Starkey, Thomas, Warren, White (G), White (L), Williams, Willis and Zoghby.

—57

Nays Reps. Beers, Brooks, Hall, McKee and Payne.

—5

MOTION TO CARRY OVER LOST

The motion offered by Rep. Holmes to carry over the bill, S. 100, to the tenth legislative day, was lost.

Yeas 14; Nays 60.

Yeas:

Reps. Beers, Brooks, Bryant, Bugg, Buskey (JL), Gray, Grayson, Hall, Holmes, McKee, Payne, Perdue, Seibels and Spratt.

—14

Nays:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Breedlove, Britnell, Burke, Buskey (JE), Campbell, Carter, Clark (W), Coburn, Crow, Dillard, Drake, Faulk, Flowers, Freeman, Fuller, Gaston, Goodwin, Grouby, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Laird, Layson, Marietta, Marks, Mathis, McMillan, Melton, Moon, Newman, Parker, Poole, Rains, Starkey, Thomas, Turner, Turnham, Venable, Walker, White (G), Williams, Willis, Wright and Zoghby.

—60

S. 100 TEMPORARILY CARRIED OVER

On motion of Rep. Fuller, the bill, S. 100, was temporarily carried over.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Kvalheim, the rules were suspended in order to take up out of order the bill, H. 273.

Yeas 58; Nays 8.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Box, Breedlove, Brooks, Burke, Buskey (JL), Butler, Carothers, Cosby, Crow, Dillard, Faulk, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hill, Hogan, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, McKee, McMillan, Mikell, Payne, Penry, Perdue, Poole, Rains, Seibels, Starkey, Turner, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—58

Nays:

Reps. Bugg, Grayson, Hall, Holley, Johnson (RW), Mathis, Moon and Parker.

—8

And the bill:

H. 273. To amend Sections 16-6A-12 and 16-6A-13, Code of Alabama 1975, which provide for the Educational Reform Act of 1984, so as to provide further for eligibility for and repayment of scholarship loans for teacher education programs in critical needs areas.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 10.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Freeman, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hogan, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Logan, Marietta, Marks, McClain, McKee, McMillan, Mikell, Newman, Newton, Payne, Penry, Perdue, Poole, Rains, Seibels, Spratt, Starkey, Turner, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—69

Nays:

Reps. Black, Bugg, Ford, Grayson, Hall, Holley, Johnson (RW), Mathis, Moon and Parker.

—10

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 172. To authorize the Jefferson County Board of Health to designate services rendered by the health department under its control for which fees may be charged and to establish the appropriate fee for each service; to authorize the Jefferson County Board of Health to charge and collect fees for services designated pursuant to this act; to provide that all fees established and collected pursuant to this act shall be retained and used by the Jefferson County Board of Health; to provide that all fees established and collected pursuant to this act shall not replace, but shall supplement and be in addition to, any and all federal, state and local funds otherwise provided to the Jefferson County Board of Health; to provide conditions applicable to the establishment or increase of fees authorized pursuant to this act, including the requirement of a public hearing and the right of the Jefferson County Commission to disapprove the establishment or increase of any fee; to

authorize the Jefferson County Board of Health to adopt and to alter rules and regulations for the implementation and administration of this act and to provide that fees charged pursuant to this act shall be established, modified and collected in accordance with such rules and regulations; to provide that fees for services shall not be charged to persons unable to pay and to provide for confidentiality in the determination of any person's ability to pay; and to repeal all laws or parts of laws in conflict with this act to the extent applicable to Jefferson County.

TOMMY CARTER,
Chairman.

And the bill, H. 172 as engrossed, was ordered sent to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 77. COMMENDING WILLIAM B. DUNCAN OF FLOR-
ENCE, ALABAMA, FOR DISTINGUISHED SERVICE TO LAUDED-
DALE COUNTY.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Frazier:

H. R. 154. COMMENDING TONY WATKINS OF CORDOVA, ALA-
BAMA, FOR OUTSTANDING COMMUNITY SERVICE.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 35. To amend Section 5-13A-2, Code of Alabama 1975, relating to banks and banking, to add the State of Texas to the states within the definition of "region" covered by the Alabama Regional Reciprocal Banking Act of 1986; to provide for severability of the provisions of this Act; to provide for the amendment of conflicting laws to the extent of such conflict; and to provide an effective date.

Also:

S. 36. Relating to Talladega County, requiring the inspection of all asphalt plants eligible to bid on the sale of asphalt plant mix to the county or any municipality within the county by the highway department.

Also:

S. 38. Relating to Talladega County; to provide for the mailing address of the grantees to appear on all conveyances of real property recorded in the probate office of such county.

Also:

S. 148. To authorize the State Department of Veterans' Affairs to provide for the operation of a state veterans' home or homes; to provide for the administration of such homes; to authorize the receipt and use of federal and other funds for such purpose; to provide for the powers and duties of the State Board of Veterans' Affairs regarding said veterans' home; to create a veterans' home trust fund; to provide certain admission and discharge policy, to require certain reports and budget requests, to specify reimbursement policy; and to provide that certain certification requirements are met.

Also:

S. J. R. 42. COMMENDING ASU RUNNING BACK, BRAD BAXTER, FOR OUTSTANDING ACHIEVEMENT.

Also:

S. J. R. 49. NAMING THE ACT WHICH HOUSE BILL 233 BECOMES "THE STEVE HETTINGER DRUG ENFORCEMENT ACT".

Also:

S. J. R. 53. COMMENDING LLOYD G. MCCLENNY FOR DISTINGUISHED SERVICE TO THE SCHOOLS OF COOSA COUNTY, ALABAMA.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 116. To authorize advance payments for the expenses of members and employees of local boards of education and to prescribe the methods for such advance expenditures.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 77. COMMENDING WILLIAM B. DUNCAN OF FLORENCE, ALABAMA, FOR DISTINGUISHED SERVICE TO LAUDERDALE COUNTY.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 116. To authorize advance payments for the expenses of members and employees of local boards of education and to prescribe the methods for such advance expenditures.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 224. To amend Section 36-1-6.1 of the Code of Alabama 1975, relating to insurance coverage for state employees or agents of the state, so as to provide that such coverage includes individuals serving as foster parents approved by the Department of Human Resources.

McDOWELL LEE,
Secretary.

BILLS ON THIRD READING RESUMED

And the bill:

H. 27. (With Substitute): To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1989.

Was taken up.

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Harper offered the following substitute to the substitute reported by the Standing Committee on Ways and Means:

A BILL TO BE ENTITLED AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1989.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. The monies in Section 2 are appropriated from the named funds for the 1988-89 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the totals for all programs are shown by the source of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

- (a) "Appropriation Total" shall mean the aggregate total of all fund sources.
- (b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries.
- (c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.
- (d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.

SECTION 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State and for the principal and interest on the public debt for the fiscal year ending September 30, 1989, and for other functions of government to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Sections 41-19-1 through 12, Code of Alabama 1975. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

FIRST EXTRAORDINARY SESSION
8th Day

537

	Fund Sources Included In Appropriation Total		
	General Fund	Trust Funds	Appropriation Total
2A. LEGISLATIVE:			
1. EXAMINERS OF PUBLIC AC- COUNTS, DEPARTMENT OF:			
(a) Legislative Support-Audit Services Program			8,425,687
SOURCE OF FUNDS:			
(1) State General Fund	8,225,687		
(2) Federal Funds		200,000	
Total Department of Examiners of Public Accounts	8,225,687	200,000	8,425,687
2. LEGISLATIVE COUNCIL:			
(a) Legislative Operations and Sup- port Program			212,200
SOURCE OF FUNDS:			
(1) State General Fund	212,200		
Pursuant to Section 29-6-1 et seq., <u>Code of Alabama 1975.</u>			
Total Legislative Council	212,200		212,200
3. LEGISLATIVE FISCAL OFFICE:			
(a) Legislative Operations and Sup- port Program (to include program review and evaluation)			948,809
SOURCE OF FUNDS:			
(1) State General Fund	948,809		
Total Legislative Fiscal Office	948,809		948,809
4. LEGISLATIVE REFERENCE SERVICE:			
(a) Legislative Operations and Sup- port Program			1,094,243
SOURCE OF FUNDS:			
(1) State General Fund	1,094,243		
Total Legislative Reference Service	1,094,243		1,094,243
5. LEGISLATURE:			
(a) Legislative Operations and Sup- port Program			8,898,709
It is the intent of the Legislature that (1) the above appropriation shall in- clude funds for the necessary tech- nical expenses associated with			

reapportionment (2) that at least \$50,000 shall be allocated for the Senate Finance and Taxation Committee, the Office of the Senate Pro Tempore and the Senate Rules Committee and (3) that at least \$50,000 shall be allocated for the Ways and Means Committee, the House Rules Committee, and the Speaker of the House Office. The appropriation to the Legislature shall be expended under the provisions set forth in Section 29-1-22, Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund	8,798,709	
(2) Public Service Commission Operating Fund-Transfer		100,000

The above transfer from the Public Service Commission Operating Fund is hereby authorized pursuant to Section 29-1-22, Code of Alabama 1975.

Total Legislature	8,798,709	100,000	8,898,709
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6. LEGISLATURES, NATIONAL CONFERENCE OF STATE:

(a) Legislative Operations and Support Program			72,667
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SOURCE OF FUNDS:

(1) State General Fund	72,667	
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Total National Conference of State

Legislatures	72,667		72,667
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2B. JUDICIAL:

1. COURT OF CIVIL APPEALS:

(a) Court Operations Program			1,077,236
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SOURCE OF FUNDS:

(1) State General Fund	1,077,236	
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Total Court of Civil Appeals	1,077,236		1,077,236
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2. COURT OF CRIMINAL APPEALS:

(a) Court Operations Program			1,641,488
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SOURCE OF FUNDS:

(1) State General Fund	1,641,488	
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Total Court of Criminal Appeals	1,641,488		1,641,488
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3. JUDICIAL INQUIRY COMMISSION:

(a) Administrative Services Program			93,510
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SOURCE OF FUNDS:

(1) State General Fund	93,510	
Total Judicial Inquiry Commission	93,510	93,510

4. JUDICIAL RETIREMENT FUND:

(a) Retirement Systems Program		1,524,500
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SOURCE OF FUNDS:

(1) State General Fund	1,524,500	
Total Judicial Retirement Fund	1,524,500	1,524,500

5. SUPREME COURT:

(a) Court Operations Program		4,245,300
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SOURCE OF FUNDS:

(1) State General Fund	4,245,300	
Total Supreme Court	4,245,300	4,245,300

6. UNIFIED JUDICIAL SYSTEM:

(Administrative Office of Courts)

(a) Court Operations Program		57,377,632
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(b) Administrative Services Program		3,530,922
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(c) DUI Referral Program		97,887
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(d) Fringe Benefit Program, Estimated		300,000
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SOURCE OF FUNDS:

(1) State General Fund	60,828,441	
(2) State General Fund-Social Security-County Judicial, Estimated	300,000	
(3) Clerks and Registers Supernumerary Fund		178,000
Total Unified Judicial System	61,128,441	178,000 61,306,441

2C. EXECUTIVE:

1. ACADEMY OF HONOR, ALABAMA:

(a) Historical Resources Management Program		1,784
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SOURCE OF FUNDS:

(1) State General Fund	1,784	
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As provided in Section 41-11-6, Code of Alabama 1975, and an additional amount.

Total Alabama Academy of Honor	1,784	1,784
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2. ACCOUNTANCY, ALABAMA STATE BOARD OF PUBLIC:

(a) Professional and Occupational Li- censing and Regulation Program		341,699
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SOURCE OF FUNDS:

(1) Alabama State Board of Public Ac- countancy Fund	341,699	
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As provided in Section 34-1-22, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.

Total Alabama State Board of Public Accountancy	341,699	341,699
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3. ADJUSTMENT, BOARD OF:

(a) Special Services Program		222,400
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SOURCE OF FUNDS:

(1) State General Fund	11,200	
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For the State General Fund Contribution to the total expenditure of \$750,000 pursuant to Section 41-9-73, Code of Alabama 1975.

(2) State General Fund, Estimated	200,000	
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For expenditures as provided in Section 31-3-2 and Section 36-30-2, Code of Alabama 1975.

(3) State General Fund-Administrative Costs	11,200	
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Total Board of Adjustment	222,400	222,400
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4. AERONAUTICS, DEPARTMENT OF:

(a) Airport Development and Aeronautical Support Program		867,986
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SOURCE OF FUNDS:

(1) Airport Development Fund	867,986	
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As provided by Section 4-2-42, Code of Alabama 1975.

Total Department of Aeronautics	867,986	867,986
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5. AGING, COMMISSION ON:

(a) Planning and Advocacy for the Elderly Program		16,811,890
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(b) Medicaid Waiver Services Program		6,346,725
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,445,701	
(2) State General Fund-Transfer Medicaid Waiver	1,770,580	
(3) Federal, Local and Miscellaneous Funds	19,942,334	

Total Commission on Aging	3,216,281	19,942,334	23,158,615
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The Commission on Aging shall contract with the existing Regional Planning Commissions or Councils of Local Governments and/or Area Agencies on Aging to provide services for one-third of the State's present and future client slots for the program known as the "Medicaid Waiver Services Program-Home and Community-Based Waiver for the Elderly and Disabled".

6. AGRICULTURAL AND CONSERVATION DEVELOPMENT COMMISSION:

(a) Water Resource Development Program		2,070,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,000,000	
(2) Miscellaneous Funds		70,000

As provided in Section 9-8A-4.1, Code of Alabama 1975.

Total Agricultural and Conservation Development Commission	2,000,000	70,000	2,070,000
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7. AGRICULTURAL CENTER BOARD:

(a) Agricultural Development Services Program		874,749
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SOURCE OF FUNDS:

(1) State General Fund	169,354	
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For expense and awarding of prizes for fairs as provided in Section 2-7-21, Code of Alabama 1975.

(2) State General Fund-Transfer-Operations	122,603		
(3) State General Fund-Transfer-Livestock Coliseum	282,982		
(4) Livestock Coliseum Fund		299,810	
Total Agricultural Center Board	574,939	299,810	874,749

8. AGRICULTURE AND INDUSTRIES, DEPARTMENT OF:

(a) Administrative Services Program			2,471,546
(b) Agricultural Inspection Services Program			10,050,697
(c) Laboratory Analysis and Disease Control Program			4,017,534
(d) Agricultural Development Services Program			1,966,507

SOURCE OF FUNDS:

(1) State General Fund-Transfer	7,694,380		
(2) Federal, Local and Miscellaneous Funds		2,295,904	
(3) Shipping Point Inspection Fund ..		4,228,805	

Pursuant to Sections 2-9-20 et seq., Code of Alabama 1975. All fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection grading and classification services for agricultural products including services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities.

(4) Agricultural Fund		4,287,195	
Total Department of Agriculture and Industries	7,694,380	10,811,904	18,506,284

8A. AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION, ALABAMA:

(a) Agricultural Development Services Program			50,000
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SOURCE OF FUNDS:

(1) State General Fund	50,000		
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Total Agricultural and Industrial Ex- hibit Commission	50,000	50,000
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9. ALABAMA TRUST FUND BOARD:

(a) Administrative Program		35,886
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	35,886	
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Total Alabama Trust Fund Board	35,886	35,886
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10. ALCOHOLIC BEVERAGE CONTROL BOARD, ALABAMA:

(a) Alcoholic Beverage Management Program		23,029,145
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(b) Enforcement Program		4,886,000
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(c) Administrative Services Program		4,044,840
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Any other provision of law to the contrary notwithstanding, the appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the Department of Mental Health and Mental Retardation of \$1,000,000 and a transfer to the Department of Public Health of \$4,000,000 and a transfer to the Alabama Medicaid Agency of \$5,000,000. The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer of \$200,000 to the State General Fund. The above transfers shall be made from the operating funds of the Alcoholic Beverage Control Board and shall not affect any distribution of revenue generated from the sale of alcoholic beverages.

SOURCE OF FUNDS:

(1) ABC Board Fund	31,959,985	
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The Alabama Alcoholic Beverage Control Board is hereby prohibited from opening any new retail stores during fiscal year 1988-89, except in counties or municipalities that elect to go wet during said fiscal year. The sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been

made for the other expenditures herein authorized, such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board	31,959,985	31,959,985
11. ARCHITECTS, BOARD FOR REGISTRATION OF:		
(a) Professional and Occupational Licensing and Regulation Program		215,000
SOURCE OF FUNDS:		
(1) Fund of the Board for Registration of Architects	215,000	
<u>As provided in Section 34-2-41, Code of Alabama 1975.</u>		
Total Board for Registration of Architects	215,000	215,000
12. ARCHIVES AND HISTORY, DEPARTMENT OF:		
(a) Historical Resources Management Program		2,677,157
SOURCE OF FUNDS:		
(1) State General Fund	2,556,787	

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(2) Federal Funds		120,370	
Total Department of Archives and History	2,556,787	120,370	2,677,157

13. ATTORNEY GENERAL, OFFICE OF THE:

(a) Legal Advice and Legal Services Program			6,423,466
(b) Fair Marketing Practices Program			569,687

SOURCE OF FUNDS:

(1) State General Fund-Transfer	5,795,232		
(2) State General Fund-Transfer-Consumer Protection	513,698		
(3) Federal, Local and Miscellaneous Funds		684,223	
Total Office of the Attorney General ..	6,308,930	684,223	6,993,153

In addition to the above appropriation to the Office of the Attorney General, there is hereby appropriated the amount of \$611,000 to be conditional upon it being used solely to continue operation of a Drug Enforcement Division. Said funds will also be available for use as a state match for Federal Drug Grants and other Federal Grants; any unused funds will remain part of the overall General Fund and will not be allotted to the Office of the Attorney General.

14. AUDITOR, STATE:

(a) Fiscal Management Program			811,565
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SOURCE OF FUNDS:

(1) State General Fund	811,565		
Total State Auditor	811,565		811,565

15. BANKING DEPARTMENT, STATE:

(a) Charter, License and Regulate Financial Institutions Program			2,828,141
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SOURCE OF FUNDS:

(1) Banking Assessment Fees	2,522,441		
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As provided in Section 5-2A-20, Code of Alabama 1975.

(2) Loan Examination Fund	305,700		
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As provided in Section 5-2A-24, Section 5-16-38.1, and Section 5-18-5, Code of Alabama 1975.

Total State Banking Department	2,828,141	2,828,141
16. BAR ASSOCIATION, ALA- BAMA STATE:		
(a) Professional and Occupational Li- censing and Regulation Program		1,321,875
SOURCE OF FUNDS:		
(1) State Bar Association Fund	1,186,220	
As provided in Section 34-3-4 and Sec- tion 34-3-44, <u>Code of Alabama 1975.</u>		
(2) Local Funds, Estimated	135,655	
As provided in Sections 34-3-44, 34-3- 17 and 34-3-18, <u>Code of Alabama</u> <u>1975.</u>		
Total Alabama State Bar Association	1,321,875	1,321,875
17. BEAR CREEK DEVELOP- MENT AUTHORITY:		
(a) Water Resource Development Program		54,535
SOURCE OF FUNDS:		
(1) State General Fund	54,535	
Total Bear Creek Development Authority	54,535	54,535
18. BUILDING COMMISSION, STATE:		
(a) Special Services Program		1,193,405
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	792,595	
(2) Federal, Local and Miscellaneous Funds	400,810	
Total State Building Commission	792,595	1,193,405
19. CAHAWBA ADVISORY COM- MITTEE:		
(a) Historical Resources Management Program		9,550
SOURCE OF FUNDS:		
(1) State General Fund	9,550	
Total Cahawba Advisory Committee ..	9,550	9,550
20. CHILD ABUSE AND NE- GLECT PREVENTION BOARD:		
(a) Social Services Program		451,909
In accordance with Sections 26-16-1 et seq., <u>Code of Alabama 1975.</u>		

SOURCE OF FUNDS:

(1) State General Fund-Transfer	275,000		
(2) Children's Trust Fund, Estimated		176,909	
Total Child Abuse and Neglect Preven- tion Board	275,000	176,909	451,909

21. CHIROPRACTIC EXAM-
INERS, ALABAMA STATE
BOARD OF:

(a) Professional and Occupational Li- censing and Regulation Program			75,750
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SOURCE OF FUNDS:

(1) Alabama State Board of Chiro- practic Examiner's Fund		75,750	
As provided in Section 34-24-143, <u>Code</u> <u>of Alabama</u> 1975.			
Total Alabama State Board of Chiro- practic Examiners		75,750	75,750

22. CONSERVATION AND NATU-
RAL RESOURCES, DEPART-
MENT OF:

(a) State Land Management Program		610,000	
(b) Outdoor Recreation Sites and Services Program		15,000,047	
(c) Marine Police Program		3,309,946	
(d) Wildlife Game and Fish Program		12,695,500	
(e) Marine Resources Program		2,212,000	
Of the above appropriation, \$50,000 shall be used for the oyster planting program.			
(f) Land and Water Conservation Program		1,200,000	
(g) Administrative Services Program		2,648,399	

The appropriation to the Department of Conservation and Natural Resources shall include Alabama's pro rata share of the Gulf States Marine Fisheries Commission operation expenses. The appropriation to the Department of Conservation and Natural Resources includes funds for the maintenance, staff and repair of the Governor's official beach mansion.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	536,000		
(2) Game and Fish Fund		12,835,500	
Of the above appropriation \$140,000 shall be transferred from the Game and Fish Fund to the Marine Resources Program.			
(3) State Lands Fund		610,000	
The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.			
(4) Marine Resources Fund		2,022,000	
In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division programs or projects which he deems appropriate.			
(5) Marine Police Fund		3,309,946	
(6) State Parks Fund		300,000	
(7) Parks Revolving Fund		13,414,047	
(8) Administrative Funds		2,648,399	
The funds hereinabove appropriated shall be payable as provided in Section 9-2-1 et seq., <u>Code of Alabama 1975</u> .			
(9) Cigarette Tax		800,000	
(10) Federal Land and Water Fund ...		1,200,000	
Total Department of Conservation and Natural Resources	536,000	37,139,892	37,675,892

23. CONTRACTORS, STATE LICENSING BOARD FOR GENERAL:

(a) Professional and Occupational Licensing and Regulation Program	401,122
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SOURCE OF FUNDS:

(1) State Licensing Board for General Contractors Fund	401,122
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Pursuant to Section 34-8-25, Code of Alabama 1975. In addition to the

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amounts appropriated hereinabove to the State Licensing Board for General Contractors, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

Total State Licensing Board for General Contractors	401,122	401,122
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24. CORRECTIONS, DEPARTMENT OF:

(a) Administrative Services and Logistical Support Program		9,243,083
(b) Institutional Services Corrections Program		97,687,991
(c) Correctional Agricultural and Industries Program		19,949,300

The Department of Corrections shall not utilize any portion of its State General Fund appropriation to support the Correctional Industries Program, for either the agribusiness element or the industries element.

(d) Transfer to State General Fund from the Correctional Industries Revolving Fund		1,500,000
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Notwithstanding any other law to the contrary and specifically including Section 5 of Act No. 87-715, it is further the intent of the Legislature that in accordance with Section 14-7-20 of the Code of Alabama, 1975, that this transfer be made.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	104,131,074	
(2) Department of Corrections Fund		24,249,300

The above amount shall include \$1,500,000 to be transferred from the Correctional Industries Revolving Fund to the State General Fund.

The Commissioner of the Department of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Department of Corrections. Any such

grant funds so generated and in direct support of the Department of Corrections' operations are also hereby appropriated.

Total Department of Corrections	104,131,074	24,249,300	128,380,374
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In addition to the above appropriation to the Department of Corrections, there is hereby conditionally appropriated from the State General Fund \$1,100,000 for expanded facilities at Bullock County and \$6,200,000 for prisons at Clayton and Clio, to be conditioned upon the availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance Director, and approval of the Governor.

25. COSMETOLOGY, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program			667,590
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SOURCE OF FUNDS:

(1) Alabama Board of Cosmetology Fund	667,590		
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As provided in Section 34-7-42, Code of Alabama 1975.

Total Alabama Board of Cosmetology	667,590	667,590
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26. COUNSELING, ALABAMA BOARD OF EXAMINERS IN:

(a) Professional and Occupational Licensing and Regulation Program			58,700
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SOURCE OF FUNDS:

(1) Alabama Board of Examiners in Counseling Fund	58,700		
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As provided in Section 34-8A-6, Code of Alabama 1975.

Total Alabama Board of Examiners in Counseling	58,700	58,700
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27. CREDIT UNION ADMINISTRATION, ALABAMA:

(a) Charter, License and Regulate Financial Institutions Program			400,700
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SOURCE OF FUNDS:

(1) Alabama Credit Union Administration Fund	400,700		
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As provided in Section 5-17-7, Code of Alabama 1975.

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Total Alabama Credit Union Administration	400,700	400,700
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28. CRIME VICTIMS COMPEN-
SATION COMMISSION, ALA-
BAMA:

(a) Special Services Program, Estimated		416,606
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SOURCE OF FUNDS:

(1) Alabama Crime Victims Compen- sation Commission Fund, Estimated	416,606	
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To be expended in accordance with
Sections 15-23-1 et seq., Code of Ala-
bama 1975.

Total Alabama Crime Victims Com- pensation Commission	416,606	416,606
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29. CRIMINAL JUSTICE INFOR-
MATION CENTER, ALABAMA:

(a) Criminal Justice Information Services Program		3,666,419
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,820,503	
(2) Federal, Local, and Miscellaneous Funds	845,916	

Total Alabama Criminal Justice Infor- mation Center	2,820,503	845,916	3,666,419
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30. DEVELOPMENT OFFICE,
ALABAMA:

(a) Promotional Development Pro- gram-Alabama Film Commission ...		250,000
(b) Administrative Services Program- Office of Minority Business		95,500
(c) Industrial Development Program- Alabama Development Office		4,348,309
(d) Alabama Reunion		300,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer-Ala- bama Development Office	4,548,309	
(2) State General Fund-Transfer-Of- fice of Minority Business	95,500	
(3) State General Fund-Transfer-Ala- bama Film Commission	250,000	
(4) Federal, Local and Miscellaneous Funds	100,000	

Total Alabama Development Office	4,893,809	100,000	4,993,809
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31. DISTRICT ATTORNEYS:

(a) Court Operations Program	12,071,127
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The proposed spending plan included
in the above total is as follows:

Salaries of District
Attorneys 2,328,355

Salary of elected Deputy District At-
torney of the Bessemer Division of
the 10th Judicial Circuit 56,955

For the use of the elected Assistant
District Attorney of the Bessemer
Division of the 10th Judicial
Circuit 135,854

Salaries and expenses of Supernumer-
ary District Attorneys 1,110,780

For use in the District Attorney's Of-
fice of the following Judicial Circuits:

1st Judicial Circuit 120,186

2nd Judicial Circuit 135,902

3rd Judicial Circuit 178,509

4th Judicial Circuit 416,609

5th Judicial Circuit 383,934

6th Judicial Circuit 297,195

7th Judicial Circuit 230,669

8th Judicial Circuit 180,284

9th Judicial Circuit 160,593

10th Judicial Circuit 450,471

11th Judicial Circuit 129,487

12th Judicial Circuit 276,489

13th Judicial Circuit 492,114

14th Judicial Circuit 133,443

15th Judicial Circuit 421,074

16th Judicial Circuit 252,840

17th Judicial Circuit 133,970

18th Judicial Circuit 222,482

19th Judicial Circuit 171,099

20th Judicial Circuit 203,277

21st Judicial Circuit 153,623

22nd Judicial Circuit 134,304

23rd Judicial Circuit 336,251

24th Judicial Circuit 127,428

25th Judicial Circuit 121,918

26th Judicial Circuit 207,524

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27th Judicial Circuit	169,264
28th Judicial Circuit	209,411
29th Judicial Circuit	229,835
30th Judicial Circuit	212,533
31st Judicial Circuit	125,133
32nd Judicial Circuit	161,275
33rd Judicial Circuit	158,966
34th Judicial Circuit	110,355
35th Judicial Circuit	105,337
36th Judicial Circuit	106,950
37th Judicial Circuit	213,561
38th Judicial Circuit	161,593
39th Judicial Circuit	131,854
Travel Expense of District Attorneys	75,000
Investigators Subsistence-Section 36-21-2, <u>Code of Alabama</u> 1975	196,441

SOURCE OF FUNDS:

(1) State General Fund	12,071,127	
Total District Attorneys	12,071,127	12,071,127

32. ECONOMIC AND COMMUNITY AFFAIRS, ALABAMA DEPARTMENT OF:

(a) Administrative Support Services Program	4,460,955
(b) Planning Program	37,853,423

In addition to the above appropriation, there is hereby appropriated \$2,000,000 from the State General Fund to the State Planning Program to be conditioned on the availability of funds in the State General Fund and the approval of the Governor.

(c) Special Services Program	18,941,180
(d) Skills Enhancement and Employment Opportunities Program	60,914,952
(e) Energy Management Program	14,746,929
(f) Traffic Control and Accident Prevention Program	3,186,905
(g) Law Enforcement Planning and Development Program	3,303,226
(h) Surplus Property Program	1,310,000
(i) Regional Planning Commission	300,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer	8,233,079
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(2) Federal, Local and Miscellaneous Funds	131,493,354		
(3) Administrative Transfers	3,981,137		
(4) Administrative Transfers from Federal Donated Surplus Property Sales	700,000		
(5) Administrative Transfers from State-Owned Surplus Property Sales	610,000		
Total Alabama Department of Economic and Community Affairs	8,233,079	136,784,491	145,017,570
33. ELECTRICAL CONTRACTORS, BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			93,000
SOURCE OF FUNDS:			
(1) Electrical Contractors Board Fees As provided by Section 34-36-17, <u>Code of Alabama</u> 1975.	93,000		
Total Board of Electrical Contractors	93,000		93,000
34. ELK RIVER DEVELOPMENT AGENCY:			
(a) Water Resource Development Program			4,265
SOURCE OF FUNDS:			
(1) State General Fund	4,265		
Total Elk River Development Agency	4,265		4,265
35. EMERGENCY MANAGEMENT AGENCY:			
(a) Readiness and Recovery Program			4,980,194
(b) Transfer to County Emergency Management Agencies			350,000
The above appropriation of \$350,000 is to be in addition to the regular allocations to county emergency management agencies.			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	1,066,148		
(2) Federal, Local and Miscellaneous Funds	4,264,046		
Total Emergency Management Agency	1,066,148	4,264,046	5,330,194
36. ENERGY BOARD, SOUTHERN STATES:			
(a) Discovery and Development of Mineral, Energy and Water Resources, Geological Research and Topographic Mapping Program			27,149

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SOURCE OF FUNDS:

(1) State General Fund	27,149	
Total Southern States Energy Board	27,149	27,149

37. ENGINEERS AND LAND SURVEYORS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL:

(a) Professional and Occupational Licensing and Regulation Program		397,100
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SOURCE OF FUNDS:

(1) Professional Engineers' Fund	397,100	
As provided in Section 34-11-36, <u>Code of Alabama 1975</u> .		
Total State Board of Registration for Professional Engineers and Land Surveyors	397,100	397,100

38. ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF:

(a) Environmental Management Program		42,840,889
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	4,157,600	
(2) State General Fund-Transfer to Water Pollution Control Authority	2,700,000	
(3) State General Fund-Transfer to Tire Recycling Center	25,000	
(4) Environmental Management Fees	2,128,350	
As provided in Section 22-22A-11, <u>Code of Alabama 1975</u> .		
(5) Federal, Local and Miscellaneous Funds	6,669,939	
(6) Federal Match-Water Pollution Control Authority	27,160,000	
Total Department of Environmental Management	6,882,600	35,958,289
		42,840,889

39. ETHICS COMMISSION, ALABAMA:

(a) Regulation of Public Officials and Employees Program		307,679
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SOURCE OF FUNDS:

(1) State General Fund	307,679	
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Total Alabama Ethics Commission	307,679		307,679
40. FARMERS' MARKET AUTHORITY:			
(a) Agricultural Development Services Program			268,256
SOURCE OF FUNDS:			
(1) State General Fund-Transfer for Administration	94,374		
(2) Farmers' Market Authority Administration-Transfer from Capital Outlay Account		36,941	
(3) Farmers' Market Authority Fund-Revenue and Capital Outlay Account		136,941	
Total Farmers' Market Authority	94,374	173,882	268,256
41. FINANCE, DEPARTMENT OF:			
(a) Fiscal Management Program			3,465,671
(b) Administrative Support Services Program			4,052,907
(c) Capitol Police-Equipment			41,000
SOURCE OF FUNDS:			
(1) State General Fund	7,509,578		
(2) Miscellaneous Funds		50,000	
Total Department of Finance	7,509,578	50,000	7,559,578
42. FINANCE, DEPARTMENT OF-AIR TRANSPORTATION:			
(a) Administrative Support Services Program			1,892,270
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	1,148,487		
(2) Departmental Receipts		743,783	
Total Department of Finance-Air Transportation	1,148,487	743,783	1,892,270
43. FINANCE, DEPARTMENT OF-ALABAMA BUILDING AUTHORITY:			
(a) Administrative Support Services Program			1,397,605
(b) Asbestos Removal and Renovation			3,075,559
SOURCE OF FUNDS:			
(1) Alabama Building Authority Operating Fund		4,473,164	

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Total Department of Finance-Alabama Building Authority	4,473,164	4,473,164
<hr/>		
44. FINANCE, DEPARTMENT OF-ALABAMA BUILDING FINANCE AUTHORITY:		
(a) Administrative Support Services Program		1,047,021
SOURCE OF FUNDS:		
(1) Alabama Building Finance Authority Operating Fund	1,047,021	
<hr/>		
Total Department of Finance-Alabama Building Finance Authority ..	1,047,021	1,047,021
<hr/>		
45. FINANCE, DEPARTMENT OF-CAPITOL COMPLEX MAINTENANCE AND REPAIR:		
(a) Administrative Support Services Program		2,642,641
SOURCE OF FUNDS:		
(1) Capitol Complex Revolving Fund	2,642,641	
<hr/>		
Total Department of Finance-Capitol Complex Maintenance and Repair	2,642,641	2,642,641
<hr/>		
46. FINANCE, DEPARTMENT OF-DATA CENTER OPERATING FUND:		
(a) Administrative Support Services Program		14,697,200
SOURCE OF FUNDS:		
(1) Data Center Operating Fund	14,697,200	
<hr/>		
Total Department of Finance-Data Center Operating Fund	14,697,200	14,697,200
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47. FINANCE, DEPARTMENT OF-STATE INSURANCE FUND:		
(a) Administrative Support Services Program		749,696
SOURCE OF FUNDS:		
(1) State Insurance Fund-Administrative	749,696	
As provided in Section 41-15-1 et seq., Code of Alabama 1975.		
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Total Department of Finance-State Insurance Fund	749,696	749,696
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48. FINANCE, DEPARTMENT OF-CENTRAL MAIL AND SUPPLY:		
(a) Administrative Support Services Program		4,586,954

SOURCE OF FUNDS:

(1) Mail and Supply Revolving Fund	4,586,954		
Total Department of Finance-Central Mail and Supply	4,586,954	4,586,954	

49. FINANCE, DEPARTMENT OF-MOTOR POOL:

(a) Administrative Support Services Program		1,794,828	
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SOURCE OF FUNDS:

(1) Motor Pool Revolving Fund	1,794,828		
Total Department of Finance-Motor Pool	1,794,828	1,794,828	

50. FINANCE, DEPARTMENT OF-PRINTING AND PUBLICATIONS:

(a) Administrative Support Services Program		4,542,084	
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SOURCE OF FUNDS:

(1) Printing and Publications Revolving Fund	4,542,084		
Total Department of Finance-Printing and Publications	4,542,084	4,542,084	

51. FINANCE, DEPARTMENT OF-TELEPHONE REVOLVING FUND:

(a) Administrative Support Services Program		9,455,305	
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,211,105		
(2) Telephone Revolving Fund	7,244,200		
Total Department of Finance-Telephone Revolving Fund	2,211,105	7,244,200	9,455,305

52. FINANCE, DEPARTMENT OF-DSMD SUPERCOMPUTER FUND:

(a) Administrative Support Services Program		1,000,000	
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The above appropriation is for the maintenance and operation of the Supercomputer.

SOURCE OF FUNDS:

(1) Collections from state agencies and other entities	1,000,000		
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Total Department of Finance-DSMD Supercomputer Fund	1,000,000	1,000,000
53. FOREIGN TRADE RELATIONS COMMISSION:		
(a) Special Services Program		100,000
SOURCE OF FUNDS:		
(1) State General Fund	100,000	
Total Foreign Trade Relations Commission	100,000	100,000
54. FORENSIC SCIENCES, DEPARTMENT OF:		
(a) Forensic Science Services Program		5,836,974
Of the above appropriation, \$200,000 shall be used to purchase DNA test- ing equipment, supplies, personnel costs, and training for the use of such equipment.		
(b) Capital Outlay		191,444
For the completion of an autopsy and morgue facility in Montgomery, Ala- bama.		
SOURCE OF FUNDS:		
(1) State General Fund	5,679,501	
(2) Capital Outlay	191,444	
(3) Federal, Local and Miscellaneous Funds		157,473
Total Department of Forensic Sciences	5,870,945	157,473 6,028,418
55. FORESTERS, ALABAMA STATE BOARD OF REGISTRA- TION FOR:		
(a) Professional and Occupational Li- censing and Regulation Program		24,500
SOURCE OF FUNDS:		
(1) Professional Foresters' Fund	24,500	
As provided in Section 34-12-36, <u>Code of Alabama 1975.</u>		
Total Alabama State Board of Regis- tration for Foresters	24,500	24,500
56. FORESTRY COMMISSION, ALABAMA:		
(a) Forest Resources Protection Program		15,368,431
(b) Forest Resources Development Program		3,981,028

(c) Administrative Services Program 2,733,480

SOURCE OF FUNDS:

(1) State General Fund-Transfer	12,075,500	
(2) Federal and Local Funds		2,801,625
(3) Forestry Commission Fund		7,205,814

Of the above appropriation, at least \$2,668,000 shall be used for rural and community fire protection.

Total Alabama Forestry Commission	12,075,500	10,007,439	22,082,939
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In addition to the above appropriation to the Alabama Forestry Commission, there is hereby conditionally appropriated \$400,000 for capital outlay from the Alabama Forestry Commission Fund contingent on the satisfactory sale of certain present property where the Birmingham District Headquarters is located in Jefferson County. The proceeds from said sale shall be covered into the Alabama Forestry Commission Fund. The above conditional appropriation shall be used to purchase land, building(s), and/or construction of building(s) in order to relocate the Birmingham District Headquarters. This conditional appropriation shall become absolute when said sale is concluded, recommended by the Finance Director and approved by the Governor.

57. FUNERAL SERVICE, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program 128,000

SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund	128,000
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As provided in Section 34-13-23, Code of Alabama 1975.

Total Alabama Board of Funeral Service	128,000	128,000
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58. GEOLOGICAL SURVEY:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program 2,647,514

SOURCE OF FUNDS:

(1) State General Fund	2,068,645
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(2) Federal, Local and Micellaneous Funds	578,869	
Total Geological Survey	2,068,645	2,647,514
59. GORGAS MEMORIAL BOARD:		
(a) Historical Resources Management Program		5,000
SOURCE OF FUNDS:		
(1) State General Fund	5,000	
As provided in Section 41-9-220, Code of Alabama 1975, and an additional amount.		
Total Gorgas Memorial Board	5,000	5,000
60. GOVERNOR'S MANSION AD- VISORY BOARD:		
(a) Historical Resources Management Program		9,073
(b) Capital Outlay Program		250,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	259,073	
Total Governor's Mansion Advisory Board	259,073	259,073
61. GOVERNOR'S MANSION AND COASTAL MANSION:		
(a) Executive Direction Program		181,450
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	181,450	
Total Governor's Mansion and Coastal Mansion	181,450	181,450
62. GOVERNOR'S OFFICE:		
(a) Executive Direction Program		1,461,150
SOURCE OF FUNDS:		
(1) State General Fund	1,461,150	
Total Governor's Office	1,461,150	1,461,150
63. GOVERNOR'S OFFICE ON VOLUNTEERISM:		
(a) Executive Direction Program		85,413
SOURCE OF FUNDS:		
(1) State General Fund	85,413	

Total Governor's Office on Volunteerism	85,413	85,413
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64. HEALTH, DEPARTMENT OF
PUBLIC:

(a) Personal Health Improvement Program	64,630,465
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(b) Health Support Services Program	43,004,001
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Of the amount appropriated to support
local health department services,
\$4,020,000 shall be used to provide a
minimum staff in each of the 67
counties, and the remaining shall be
allocated to the counties on the basis
of need and a match formula to be
determined by the Department.

(c) Administrative Services Program	7,882,513
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(d) Industrial Health Services Program	254,000
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(e) Perinatal and Related SOBRA Services Program	10,400,000
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SOURCE OF FUNDS:

(1) State General Fund	26,051,363	
(2) Cigarette Tax-\$0.01 and \$0.02		4,000,000

As provided in Section 40-25-2 and
Section 40-25-23, Code of Alabama
1975.

(3) Vital Statistics Fund	1,381,254
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(4) Hospital Licensing Fund	235,000
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(5) Emergency Medical Services Fund	50,000
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As provided in Section 22-18-4, Code
of Alabama 1975.

(6) Local Health Department	20,880,748
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(7) Nuclear Monitoring Fund	139,000
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(8) Radiation Safety Fund	100,000
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(9) Miscellaneous Funds	9,845,514
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(10) Federal Funds	57,088,100
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(11) Transfer from ABC Board	4,000,000
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(12) Miscellaneous Funds-SOBRA Program	2,400,000
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Total Department of Public Health	26,051,363	100,119,616	126,170,979
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65. HEALTH PLANNING
AGENCY, STATE:

(a) Health Planning, Development and Regulation Program	654,797
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	304,797
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(2) Certificate of Need Fees	300,000		
(3) Federal, Local and Miscellaneous Funds	50,000		
Total State Health Planning Agency ..	304,797	350,000	654,797
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66. HEARING AID DEALERS, ALABAMA BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			40,000
SOURCE OF FUNDS:			
(1) State Board of Health-Hearing Aid Fund	40,000		
As provided in Section 34-14-33, <u>Code of Alabama 1975</u> .			
Total Alabama Board of Hearing Aid Dealers	40,000		40,000
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67. HEATING AND AIR CONDITIONING CONTRACTORS, BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			133,301
SOURCE OF FUNDS:			
(1) Heating and Air Conditioning Contractors Fund	133,301		
Total Board of Heating and Air Conditioning Contractors	133,301		133,301
<hr/>			
68. HERITAGE TRUST FUND, ALABAMA:			
(a) Fiscal Management Program			20,000
SOURCE OF FUNDS:			
(1) Heritage Trust Income	20,000		
Total Alabama Heritage Trust Fund ..	20,000		20,000
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69. HIGHWAY DEPARTMENT:			
(a) Central Administration Program			10,706,273
(b) Division and District Supervision Program			19,224,843
(c) Operations and Support Services Program			7,972,800
(d) Maintenance Program			131,438,043
(e) Non-Programmatic Programs			108,842,333
Proposed Spending Plan for the above (e) includes the following:			
Debt Service	107,285,685		
Equipment-Other than Automotive	1,556,648		

(f) Construction-Federal Aid Program		335,308,070
Proposed Spending Plan for the above (f) includes the following:		
Federal Aid Matching	47,729,452	
Non-Participating Work on Federal Projects	1,000,000	
Federal Aid	286,578,618	
(g) Construction-State Program		20,000,000
(h) Operations-Land and Buildings ...		1,408,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	71,500	
(2) Public Road and Bridge Fund		348,250,244
(3) Federal Aid		286,578,618

There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Authority, or Alabama Industrial Access Road and Bridge Corporation, a total of \$107,285,685 or so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment. The Highway Director with the consent of the Governor and the Finance Director shall have the authority to transfer any appropriation or any portion thereof between and among Subsections (a), (b), (c), (d), (e), (f), (g), (h), of this Section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable. In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

- (1) the appropriations made for Debt Service in Subsection (e) hereof shall be paid in full, (2) the appropriations from the revenues accruing to the State Highway Department that are

herein made for the purposes referred to in Subsections (a), (b), (c), (d), (e), (f), (g), (h) except for Debt Service, hereof shall be allocated among the purposes referred to in said Subsections in such order and with such priorities as the State Highway Director shall from time to time direct. The funds appropriated in Subsection (f) hereof, for the matching Federal Funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made. In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available.

Total Highway Department	71,500	634,828,862	634,900,362
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In addition to the above appropriation to the Highway Department, there is hereby appropriated the sum of \$350,000 from any sources available to the Highway Department as the state match for additional federal mass transit funds, to purchase capital equipment (rolling stock) for the state mass transportation program, and for an insurance and/or self-insurance program to be administered by the State Highway Department. Of the above appropriation to the Highway Department an amount up to \$140,000 is to be used to solve any state right-of-way problem involving fraternal organizations.

70. HISTORIC BLAKELEY AUTHORITY:

(a) Tourism and Travel Promotion Program	190,150
(b) Capital Outlay	100,000

SOURCE OF FUNDS:

(1) State General Fund	290,150	
Total Historic Blakeley Authority	290,150	290,150

71. HISTORIC CHATTAHOOCHEE COMMISSION:

(a) Historical Resources Management Program	98,200
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SOURCE OF FUNDS:

(1) State General Fund	98,200	
Total Historic Chattahoochee Commission	98,200	98,200

72. HISTORICAL COMMISSION, ALABAMA:

(a) Historical Resources Management Program		2,309,566
(b) Historical Resources Management Program-Capital Outlay		80,841
(c) Historical Preservation Projects ...		902,540

SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,483,914	
The State General Fund appropriation shall include the following:		
Historical Commission, Alabama	246,840	
Historical Commission, Alabama-John T. Morgan House, Selma	11,460	
Historical Commission, Alabama-Cahaba	150,000	
Historical Commission, La Grange	7,774	
(2) State General Fund-Transfer-Capital Outlay	80,841	
(3) State General Fund-Transfer-Historical Preservation Projects	902,540	
(4) Federal, Local and Miscellaneous Funds		825,652
Total Alabama Historical Commission	2,467,295	825,652
		3,292,947

As provided in Act No. 87-749, in addition to the amounts appropriated hereinabove to the Alabama Historical Commission, there is hereby appropriated the proceeds from the sale of 1945 legislative desks and chairs for the cost of reproduction furniture to be used in the restoration of the Alabama State Capitol.

73. HUMAN RESOURCES, DEPARTMENT OF:

(a) Human Services Program	277,711,274
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It is the intent of the Legislature that allotments be made to the County Departments of Human Resources in the amount of \$165,500 to fund,

upon approval of the county department director, supplemental client services not otherwise provided for through existing programs of the Department of Human Resources. Allotments to the county departments based on the counties' populations according to the 1980 census are as follows: county populations greater than 50,000, \$3,500; county populations less than 50,000, \$2,000.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	9,677,666		
(2) State General Fund-Transfer- Additional Day Care Slots	1,500,000		
(3) State General Fund-Transfer- Group Homes	1,000,000		
(4) Federal, Local and Miscellaneous Funds	185,874,156		
(5) ABC Profits	1,070,000		
(6) Whiskey Tax	21,100,000		
(7) Beer Tax	8,100,000		
(8) Pension Residue	14,000,000		
(9) Sales Tax	1,322,000		
(10) Franchise Tax	13,600,000		
(11) Child Support Collections	3,127,097		
(12) Sales Tax for Food Stamps	11,090,355		
(13) Cigarette Tax	4,375,000		
(14) Contractor's Gross Receipts Tax	1,875,000		
Total Department of Human Resources	12,177,666	265,533,608	277,711,274

It is the intent of the Legislature that two-thirds of the state's present and future client slots for the program known as the "Medicaid Waiver Services Program-Home and Community-Based Waiver for the Elderly and Disabled" be served by the Department of Human Resources. The Department of Human Resources may contract with other agencies, specifically including the State Department of Public Health, to provide the services under the Medicaid Waiver Services Program.

74. INDIAN AFFAIRS COMMISSION, ALABAMA:

(a) Social Services Program 152,560

The above appropriation is to be expended in accordance with Sections

41-9-708 et seq., Code of Alabama
1975.

SOURCE OF FUNDS:

(1) State General Fund	152,560		
Total Alabama Indian Affairs Commission	152,560		152,560

75. INDUSTRIAL DEVELOP-
MENT AUTHORITY, STATE:

(a) Industrial Development Program			76,100
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SOURCE OF FUNDS:

(1) SIDA Application Fees Fund	76,100		
Total State Industrial Development Authority	76,100		76,100

76. INDUSTRIAL RELATIONS,
DEPARTMENT OF:

(a) Unemployment Compensation Program			16,788,976
(b) Skills Enhancement and Employ- ment Opportunities Program			19,219,009
(c) Industrial Safety and Accident Prevention Program			4,648,746
(d) Administrative Services Program			8,451,718
(e) Workmen's Compensation Program			573,764

SOURCE OF FUNDS:

(1) State General Fund	1,159,337		
(2) Federal, Local and Miscellaneous Funds		48,522,876	
Total Department of Industrial Relations	1,159,337	48,522,876	49,682,213

77. INSURANCE, DEPARTMENT
OF:

(a) Regulatory Services Program			2,365,123
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SOURCE OF FUNDS:

(1) State General Fund	1,254,670		
(2) Fire Marshal's Fund		136,844	

As provided in Section 24-5-10, Code
of Alabama 1975. Any balance in ex-
cess of \$50,000 at the end of the fis-
cal year shall be transferred to the
State General Fund.

(3) Examination Revolving Fund		973,609	
Total Department of Insurance	1,254,670	1,110,453	2,365,123

Of the above appropriation to the De-
partment of Insurance, \$50,000 is

hereby appropriated for advance newspaper publication of rate filings prior to any hearing or other determination by the Commissioner.

78. INSURANCE BOARD, STATE EMPLOYEES':

(a) Administrative Support Services Program	350,000
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SOURCE OF FUNDS:

(1) State Employees' Insurance Board Expense Fund	350,000	
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Total State Employees' Insurance Board	350,000	350,000

79. INTERIOR DESIGNERS, ALABAMA STATE BOARD OF REGISTRATION FOR:

(a) Professional and Occupational Licensing and Regulation Program	5,700
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SOURCE OF FUNDS:

(1) Interior Designers Fund	5,700	
As provided in Section 34-15A-7, <u>Code of Alabama</u> 1975.		
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Total Alabama State Board of Registration for Interior Designers	5,700	5,700

80. LABOR, DEPARTMENT OF:

(a) Regulatory Services Program	354,802
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SOURCE OF FUNDS:

(1) State General Fund	304,802	
(2) Federal, Local and Miscellaneous Funds	50,000	
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Total Department of Labor	304,802	354,802

81. LANDSCAPE ARCHITECTS, BOARD OF EXAMINERS FOR:

(a) Professional and Occupational Licensing and Regulation Program	18,525
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SOURCE OF FUNDS:

(1) Landscape Architects Fund	18,525	
As provided in Section 34-17-6, <u>Code of Alabama</u> 1975.		
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Total Board of Examiners of Landscape Architects	18,525	18,525

82. LIEUTENANT GOVERNOR, OFFICE OF THE:

(a) Legislative Operations and Support Program	440,156
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SOURCE OF FUNDS:

(1) State General Fund	440,156	
Total Office of the Lieutenant Governor	440,156	440,156

83. LIQUEFIED PETROLEUM GAS BOARD:

(a) Regulatory Services Program		342,000
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SOURCE OF FUNDS:

(1) Liquefied Petroleum Gas Board Fund	342,000	
Total Liquefied Petroleum Gas Board	342,000	342,000

84. MANUFACTURED HOUSING COMMISSION, ALABAMA:

(a) Regulatory Services Program		494,921
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SOURCE OF FUNDS:

(1) Alabama Manufactured Housing Commission Fund	494,921	
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As provided in Section 24-6-4, Code of Alabama 1975.

Total Alabama Manufactured Housing Commission	494,921	494,921
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85. MEDICAID AGENCY, ALABAMA:

(a) Medical Assistance Through Medicaid Program		512,958,090
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It is the intent of the Legislature that of the above appropriation, which includes \$22,489,144 for SOBRA, Medicaid eligibility shall be extended to include, to the fullest extent possible, pregnant women and children up to 1 year of age who have incomes at or below 100% of the federal poverty level. It is the further intent of the Legislature that the provisions of the state's SOBRA program will include raising to a minimum of 80% of the physician's reimbursement level the reimbursement for certified midwives for deliveries under Medicaid. Also, it is the intent of the Legislature that the state's SOBRA program provide for physician reimbursement for deliveries at minimum per patient which is above the national Medicaid average adjusted annually for global delivery fee and that such fee be

reviewed periodically by the Alabama Medicaid Agency to insure the rate structure provides access for prenatal care. In addition, the Legislature intends that SOBRA provisions include reimbursement to pediatricians who attend a high-risk Medicaid covered delivery. The Legislature intends that SOBRA provisions in the State allow pregnant women, who are determined to be eligible for Medicaid through SOBRA, remain eligible throughout their pregnancy, that an assets test shall not be required in making a determination of eligibility for such program, and that all providers designated under Public Law 99-509 (SOBRA) may be certifiers of presumptive eligibility for Medicaid which will insure that the eligible State population have access for said services.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	103,691,913		
(2) State General Fund-Transfer-SOBRA	1,049,572		
(3) Transfer from ABC Board-SOBRA		5,000,000	
(4) Transfer from Department of Human Resources		3,824,175	
(5) Transfer from Mental Health		19,050,250	
(6) Transfer from Commission On Aging		1,770,580	
(7) Federal, Local and Miscellaneous Funds		378,571,600	
Total Alabama Medicaid Agency	104,741,485	408,216,605	512,958,090

86. MEN'S HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program	5,000
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SOURCE OF FUNDS:

(1) State General Fund	5,000	
Total Alabama Men's Hall of Fame ...	5,000	5,000

87. MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF:

(a) Institutional Treatment and Care-Mental Illness Program	84,864,025
(b) Institutional Treatment and Care-Mental Retardation Program	65,593,752

(c) Institutional Treatment and Care-Criminally Insane Program	5,384,765
(d) Administrative Services Program	5,308,394
(e) Community Services Program	58,342,197

Of the above appropriation, \$1,000,000 shall be expended for new and expanded residential drug treatment services. It is further provided, however, that no reduction in funding for existing community services shall be made to provide for said drug treatment services.

(f) Community Work Centers	1,000,000
(g) Agency Administration Program ..	696,899

SOURCE OF FUNDS:

(1) State General Fund-Transfer	59,224,627	
(2) Special Mental Health Trust Fund		85,844,000

For operations and maintenance of the State Mental Health and Mental Retardation Department and the Mental Health and Mental Retardation Community Programs, including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama state hospitals.

(3) Transfer from ABC Profits	1,000,000
(4) Cigarette Tax	6,800,000
(5) Federal, Local and Miscellaneous Funds	68,321,405

Total Department of Mental Health and Mental Retardation	59,224,627	161,965,405	221,190,032
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88. MILITARY DEPARTMENT:

(a) Military Operations Program	5,432,307
(b) Capital Outlay	250,000

SOURCE OF FUNDS:

(1) State General Fund-Operations	1,682,657
(2) State General Fund-Quarterly Allowances Headquarters	1,363,800

Regular Allowance Units to be used solely for operating expenses; provided, that no more than \$4,500 shall be allotted in any fiscal year for the Alabama National Guard Headquarters.

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(3) State General Fund-Transfer-Capital Outlay for Architect and Engineering Services, specifications repair and construction of facilities	250,000	
The above appropriation shall include funding for asbestos removal at the Fort Whiting Armory.		
(4) State General Fund-Active Military Service	75,000	
(5) State General Fund-Transfer to Armory Commission	2,300,000	
(6) State General Fund-Dropping Allowance	4,500	
(7) State General Fund-State Defense Force	6,350	
Total Military Department	5,682,307	5,682,307
89. MILITARY DEPARTMENT-ARMORY COMMISSION OF ALABAMA:		
(a) Military Operations Program		4,399,765
SOURCE OF FUNDS:		
(1) Transfer from Military Department	2,300,000	
(2) Federal, Local and Miscellaneous Funds	2,099,765	
The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of facilities; provided, however, that the last federal government service contract reimbursement shall not revert to the State General Fund, and any unobligated balance remaining thereof in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.		
Total Armory Commission of Alabama	4,399,765	4,399,765
90. MOTOR SPORTS HALL OF FAME:		
(a) Tourism and Travel Promotion Program		50,000

SOURCE OF FUNDS:

(1) State General Fund	50,000	
Total Motor Sports Hall of Fame	50,000	50,000

91. MUSIC HALL OF FAME, ALABAMA:

(a) Fine Arts Program		120,354
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SOURCE OF FUNDS:

(1) State General Fund	120,354	
Total Alabama Music Hall of Fame	120,354	120,354

92. NURSING, ALABAMA BOARD OF:

(1) Professional and Occupational Licensing and Regulation Program		1,052,160
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SOURCE OF FUNDS:

(1) Alabama Board of Nursing Trust Fund-as provided in <u>Code of Alabama 1975</u> , as amended, Sections 34-21-1 through 34-21-43	1,052,160	
Total Alabama Board of Nursing	1,052,160	1,052,160

93. NURSING HOME ADMINISTRATORS, BOARD OF EXAMINERS OF:

(a) Professional and Occupational Licensing and Regulation Program		48,000
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SOURCE OF FUNDS:

(1) Board of Examiners of Nursing Home Administrators Fund	48,000	
As provided in Section 34-20-7, <u>Code of Alabama 1975</u> .		
Total Board of Examiners of Nursing Home Administrators	48,000	48,000

94. OIL AND GAS BOARD:

(a) Management and Regulation of Oil and Gas Exploration and Development Program		2,305,833
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SOURCE OF FUNDS:

(1) State General Fund	2,195,833	
(2) Oil and Gas Board Special Fund ..	100,000	
(2) Federal, Local and Miscellaneous Funds	10,000	

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Total Oil and Gas Board	2,195,833	110,000	2,305,833
95. PARDONS AND PAROLES, BOARD OF:			
(a) Administration of Pardons and Paroles Program			10,397,715
SOURCE OF FUNDS:			
(1) State General Fund	7,381,995		
(2) Probationers Upkeep Fund		2,878,050	
In accordance with Section 15-22-2, Code of Alabama 1975.			
(3) Miscellaneous Funds		137,670	
Total Board of Pardons and Paroles ...	7,381,995	3,015,720	10,397,715
96. PEACE OFFICERS' ANNUITY AND BENEFIT FUND, ALA- BAMA:			
(a) Retirement Systems Program			266,990
SOURCE OF FUNDS:			
(1) Peace Officers' Annuity and Ben- efit Fund		266,990	
As provided in Section 36-21-66, <u>Code</u> <u>of Alabama 1975.</u>			
Total Alabama Peace Officers' Annuity and Benefit Fund		266,990	266,990
97. PERSONNEL DEPARTMENT, STATE:			
(a) Administrative Support Services Program			2,893,827
SOURCE OF FUNDS:			
Transfers to the State Personnel De- partment shall be as follows:			
(1) Board of Public Accountancy		287	
(2) Department of Aeronautics		479	
(3) Commission on Aging		1,915	
(4) Department of Agriculture and Industries		44,290	
(5) Agricultural Center Board		1,819	
(6) Alcoholic Beverage Control Board		88,054	
(7) Board of Registration for Architects		144	
(8) Archives and History		4,644	
(9) State Council on the Arts		1,006	
(10) Attorney General's Office		13,646	
(11) State Auditor		2,059	

(12) State Banking Department	4,980
(13) Building Commission	2,155
(14) Child Abuse and Neglect Prevention Board	192
(15) Chiropractic Examiners	96
(16) Department of Conservation and Natural Resources	100,934
(17) State Licensing Board for General Contractors	527
(18) Department of Corrections	264,688
(19) Board of Cosmetology	862
(20) Credit Union Administration	527
(21) Alabama Crime Victims Compensation Commission	622
(22) Criminal Justice Information Center	6,033
(23) Alabama Development Office	3,208
(24) State Docks	46,541
(25) Department of Economic and Community Affairs	29,878
(26) Department of Education	128,322
(27) Electrical Contractors Board	48
(28) Emergency Management Agency	3,687
(29) Local Emergency Management ..	5,000
(30) Board of Registration for Professional Engineers and Land Surveyors	431
(31) Department of Environmental Management	22,265
(32) Ethics Commission	575
(33) Examiners of Public Accounts ...	20,110
(34) Farmers' Market Authority	239
(35) Finance Department	45,679
(36) Finance-Alabama Building Authority	2,681
(37) Finance-Alabama Building Finance Authority	1,819
(38) Firefighters' Personnel Standards and Education Commission	383
(39) Foreign Trade Relations Commission	144
(40) Department of Forensic Sciences	10,869
(41) Forestry Commission	39,742
(42) Funeral Services	144

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(43) Governor's Office	3,112
(44) Department of Public Health	209,960
(45) Board of Heating and Air Con- ditioning Contractors	192
(46) Highway Department	359,972
(47) Alabama Historical Commission	5,794
(48) Housing Finance Authority	239
(49) Department of Human Resources	373,953
(50) Alabama Indian Affairs Commission	144
(51) Department of Industrial Relations	162,318
(52) Insurance Department	5,315
(53) Judicial Inquiry Commission	48
(54) Department of Labor	766
(55) Legislative Reference Service	575
(56) Liquefied Petroleum Gas Board	622
(57) Manufactured Housing Commission	383
(58) Alabama Medicaid Agency	26,861
(59) Department of Mental Health and Mental Retardation	448,936
(60) Military Department	17,285
(61) Board of Nursing	1,580
(62) Board of Examiners of Nursing Home Administrators	48
(63) Oil and Gas Board	10,294
(64) Pardons and Paroles	26,718
(65) Peace Officers' Annuity and Ben- efit Fund	239
(66) Peace Officers' Standards and Training Commission	335
(67) Physical Fitness Commission	575
(68) Board of Physical Therapy	48
(69) Board of Polygraph Examiners ..	96
(70) Public Library Service	5,698
(71) Department of Public Safety	118,458
(72) Public Service Commission	13,119
(73) Alabama Educational Television Commission	7,757
(74) Real Estate Commission	1,484
(75) Retirement Systems	11,396
(76) Department of Revenue	113,000
(77) Secretary of State	2,442

(78) Securities Commission	2,011	
(79) Board of Social Work Examiners	96	
(80) Soil and Water Conservation	335	
(81) Surface Mining Commission	4,788	
(82) Bureau of Tourism and Travel ...	6,799	
(83) State Treasurer	4,070	
(84) Department of Veterans' Affairs	5,937	
(85) Board of Veterinary Medical Examiners	96	
(86) Department of Youth Services ...	36,725	
(87) State Health Planning Agency ...	1,484	
Total State Personnel Department	2,893,827	2,893,827
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99. PHYSICAL THERAPY, BOARD OF:		
(a) Professional and Occupational Li- censing and Regulation Program		72,435
SOURCE OF FUNDS:		
(1) Physical Therapist Fund	72,435	
As provided in Section 34-24-195, <u>Code of Alabama 1975</u> .		
Total Board of Physical Therapy	72,435	72,435
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100. PLUMBERS AND GAS FIT- TERS EXAMINING BOARD, ALABAMA:		
(a) Professional and Occupational Li- censing and Regulation Program		249,480
SOURCE OF FUNDS:		
(1) Board of Plumbers and Gas Fitters Examiners Fund	249,480	
Total Alabama Plumbers and Gas Fit- ters Examining Board	249,480	249,480
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101. POLYGRAPH EXAMINERS, BOARD OF:		
(a) Professional and Occupational Li- censing and Regulation Program		30,000
SOURCE OF FUNDS:		
(1) Board of Polygraph Examiners Fund	30,000	
As provided in Section 34-25-5, <u>Code of Alabama 1975</u> .		
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Total Board of Polygraph Examiners	30,000	30,000
102. PROSECUTION SERVICES, OFFICE OF:		
(a) Prosecution, Training, Education and Management Program		1,287,427
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	360,589	
(2) Office of Prosecution Services Fund	926,838	
Total Office of Prosecution Services ...	360,589	1,287,427
103. PSYCHOLOGY, ALABAMA BOARD OF EXAMINERS IN:		
(a) Professional and Occupational Li- censing and Regulation Program		45,430
SOURCE OF FUNDS:		
(1) Board of Examiners in Psychology Fund	45,430	
As provided in Section 34-26-43, <u>Code of Alabama 1975</u> .		
Total Alabama Board of Examiners in Psychology	45,430	45,430
104. PUBLIC SAFETY, DEPART- MENT OF:		
(a) Traffic Control and Accident Pre- vention Program		16,109,831
(b) Criminal Investigation Program ...		4,685,923
(c) Driver's Licensing and Improve- ment Program		10,273,240
(d) Public Safety Support Services Program		7,592,294
(e) Administrative Services Program		4,899,971
(f) Alabama Criminal Justice Train- ing Center Program		1,924,821
SOURCE OF FUNDS:		
(1) State General Fund	45,486,080	
Total Department of Public Safety	45,486,080	45,486,080
105. PUBLIC SERVICE COMMIS- SION:		
(a) Regulatory Services Program		5,649,101
(b) Administrative Services Program		1,842,134
(c) Transfer to Legislature		100,000
SOURCE OF FUNDS:		
(1) Public Service Commission Fund	6,973,235	
The above amount shall include \$100,000 to be transferred from the		

Public Service Commission Fund to the Legislature, authorized pursuant to the provisions of Section 29-1-22, Code of Alabama 1975.

The above appropriation to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such parts or percentages of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$600,000 shall be transferred to the State General Fund.

(2) Gas Pipeline Safety Fund	386,000	
(3) Federal and Miscellaneous Funds	232,000	
Total Public Service Commission	7,591,235	7,591,235

106. REAL ESTATE COMMISSION, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program	1,029,034
(b) Capital Outlay	400,000

SOURCE OF FUNDS:

(1) Alabama Real Estate Commission Fund	1,429,034
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As provided in Section 34-27-4, Code of Alabama 1975 and the total expenditures shall in no manner exceed the amounts hereby appropriated.

Total Alabama Real Estate Commission	1,429,034	1,429,034
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107. REVENUE, DEPARTMENT OF:

(a) State Revenue Administration Program	49,671,690
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	250,000
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As provided in Section 40-7-70, Code of Alabama 1975, to maintain a program for the equalization of ad valorem tax assessments.

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(2) State General Fund-Board of Equalization	124,985	
(3) Ad Valorem Equalization Fund		220,115
(4) Transfers from the proceeds of the following:		
(a) Cigarette Tax Collections		888,224
As provided in Section 40-25-27, <u>Code of Alabama 1975</u> .		
(b) Financial Institution Excise Tax Collections		230,198
(c) Forest Severance Tax Collections		84,784
(d) Gasoline Tax Collections		4,030,552
(e) Income Tax Collections	13,678,883	
(f) Motor Fuel Tax Collections		840,032
(g) Motor Vehicle License Collections		1,821,412
(h) Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax		557,337
(i) Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax		1,373,134
(j) Sales Tax Collections	12,067,459	
(k) Tobacco Tax Collections		36,353
(l) Use Tax Collections		1,320,637
(m) Utility Tax Collections		2,932,060
(5) Local Funds		6,000,442
(6) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags		2,365,083
(7) Inspection fees for restored vehicles		750,000
As provided in Section 32-8-87, <u>Code of Alabama 1975</u> .		
(8) Revenue Administration Fund-Transfer from Abandoned Property Trust Fund as provided in Section 35-12-39, <u>Code of Alabama 1975</u>		100,000

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law. Provided, however, in addition to the amount hereinabove appropriated, there is hereby

appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

Total Department of Revenue	374,985	49,296,705	49,671,690
108. SECRETARY OF STATE:			
(a) Administrative Support Services Program			1,157,627
SOURCE OF FUNDS:			
(1) State General Fund	778,627		
(2) UCC and Farm Indexing Fund		379,000	
Total Secretary of State	778,627	379,000	1,157,627
109. SECURITIES COMMISSION:			
(a) Regulatory Services Program			817,228
SOURCE OF FUNDS:			
(1) State General Fund	469,489		
(2) Industrial Revenue Bond Notification Fund		220,190	
(3) Sale of Checks License Fund		7,781	
(4) Exemption Fund		119,768	
Total Securities Commission	469,489	347,739	817,228
110. SENIOR CITIZENS HALL OF FAME, ALABAMA:			
(a) Historical Resources Management Program			22,681
SOURCE OF FUNDS:			
(1) State General Fund	22,681		
Total Alabama Senior Citizens Hall of Fame	22,681		22,681
111. SOCIAL WORK EXAMINERS, ALABAMA STATE BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			61,888
SOURCE OF FUNDS:			
(1) Alabama State Board of Social Work Examiners Fund		61,888	
As provided in Section 34-30-6, <u>Code of Alabama 1975</u> .			

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Total Alabama State Board of Social Work Examiners	61,888	61,888
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112. SOIL AND WATER CONSERVATION COMMITTEE, STATE:		
(a) Water Resource Development Program		1,208,381
(b) Professional and Occupational Licensing and Regulation Program		4,000
SOURCE OF FUNDS:		
(1) State General Fund	1,178,381	
(2) Soil Classifiers Fund		4,000
As provided in Section 34-32-19, <u>Code of Alabama 1975</u> .		
(3) Transfer from Agricultural and Conservation Development Commission	30,000	
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Total State Soil and Water Conservation Committee	1,178,381	1,212,381
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113. SOUTHERN GROWTH POLICIES BOARD:		
(a) Special Services Program		27,830
SOURCE OF FUNDS:		
(1) State General Fund	27,830	
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Total Southern Growth Policies Board	27,830	27,830
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114. SPORTS HALL OF FAME, ALABAMA:		
(a) Historical Resources Management Program		140,000
(b) Capital Outlay		350,000
SOURCE OF FUNDS:		
(1) State General Fund	490,000	
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Total Alabama Sports Hall of Fame ...	490,000	490,000
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115. SPEECH PATHOLOGY AND AUDIOLOGY, ALABAMA BOARD OF EXAMINERS FOR:		
(a) Professional and Occupational Licensing and Regulation Program		28,270
SOURCE OF FUNDS:		
(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund	28,270	
As provided in Section 34-28A-44, <u>Code of Alabama 1975</u> .		
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Total Alabama Board of Examiners for Speech Pathology and Audiology		28,270	28,270
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116. SURFACE MINING COMMIS- SION, ALABAMA:			
(a) Industrial Safety and Accident Prevention Program			5,239,079
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	450,000		
(2) Surface Mining Commission Fund		4,789,079	
As provided by Section 9-16-103, <u>Code</u> <u>of Alabama 1975</u> . All fees and charges, grants, gifts, fines, bond for- feitures or other monies received un- der the above act, in addition to the appropriation herein made, are ap- propriated to the Surface Mining Commission.			
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Total Alabama Surface Mining Commission	450,000	4,789,079	5,239,079
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117. TANNEHILL FURNACE AND FOUNDRY COMMISSION:			
(a) Historical Resources Management Program			271,392
SOURCE OF FUNDS:			
(1) State General Fund	271,392		
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Total Tannehill Furnace and Foundry Commission	271,392		271,392
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118. TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY:			
(a) Water Resource Development Program			101,000
SOURCE OF FUNDS:			
(1) State General Fund	101,000		
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Total Tennessee-Tombigbee Water- way Development Authority	101,000		101,000
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119. TENNESSEE VALLEY EX- HIBIT COMMISSION OF ALA- BAMA:			
(a) Promotional Development Program			372,241
To be expended in accordance with Sections 41-9-780 et seq., <u>Code of</u> <u>Alabama 1975</u> .			

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SOURCE OF FUNDS:

(1) State General Fund-Transfer	70,766		
(2) Federal, Local and Miscellaneous Funds		301,475	
Total Tennessee Valley Exhibit Com- mission of Alabama	70,766	301,475	372,241

120. TOURISM AND TRAVEL,
BUREAU OF:

(a) Tourism and Travel Promotion Program		4,436,999	
(b) Grants and Benefits Program		915,000	
Of the above appropriation, \$50,000 shall be transferred to the Cahaba Trace Commission.			
(c) Alabama Reunion		300,000	

SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,061,638		
(2) Lodgings Tax (\$.01)		3,590,361	
Receipts collected under the provisions of Section 40-26-1 et seq., <u>Code of Alabama 1975.</u>			
Total Bureau of Tourism and Travel	2,061,638	3,590,361	5,651,999

121. TREASURER, STATE:

(a) Fiscal Management Program		1,648,353	
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SOURCE OF FUNDS:

(1) State General Fund	1,648,353		
Total State Treasurer	1,648,353		1,648,353

122. UNIFORM STATE LAWS,
ALABAMA COMMISSION ON:

(a) Special Services Program, Estimated		6,500	
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SOURCE OF FUNDS:

(1) State General Fund	6,500		
As provided in Section 41-9-374, <u>Code of Alabama 1975.</u>			
Total Alabama Commission on Uni- form State Laws	6,500		6,500

123. VETERANS' AFFAIRS, DE-
PARTMENT OF:

(a) Administration of Veterans' Af- fairs Program		2,860,397	
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SOURCE OF FUNDS:

(1) State General Fund	2,860,397		
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Total Department of Veterans' Affairs	2,860,397	2,860,397
124. VETERINARY MEDICAL EXAMINERS, ALABAMA STATE BOARD OF:		
(a) Professional and Occupational Licensing and Regulation Program		145,000
SOURCE OF FUNDS:		
(1) State Board of Veterinary Medical Examiners Fund	145,000	
As provided in Section 34-29-23 and Section 34-29-41, <u>Code of Alabama 1975</u> .		
Total Alabama State Board of Veterinary Medical Examiners	145,000	145,000
125. WOMEN'S COMMISSION, ALABAMA:		
(a) Employment and Social Opportunities Program		9,980
SOURCE OF FUNDS:		
(1) State General Fund	9,980	
Total Alabama Women's Commission	9,980	9,980
126. WOMEN'S HALL OF FAME, ALABAMA:		
(a) Historical Resources Management Program		5,662
SOURCE OF FUNDS:		
(1) State General Fund	5,662	
Total Alabama Women's Hall of Fame	5,662	5,662
127. YOUTH SERVICES, DEPARTMENT OF:		
(a) Juvenile Probation Officer's Subsidy		2,349,932
(b) Youth Services Program		1,909,310
The above appropriation shall be expended in accordance with the provision of the <u>Code of Alabama 1975</u> , as amended, Section 44-1-1 through 44-1-56.		
SOURCE OF FUNDS:		
(1) State General Fund-Juvenile Probation Officers Subsidy	2,349,932	
(2) State General Fund-Youth Services Program	617,977	

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(3) Federal and Local Funds	1,291,333		
Total Department of Youth Services ..	2,967,909	1,291,333	4,259,242

128. LAW INSTITUTE, ALA-BAMA:

(a) Support of Other Educational Activities Program	293,622
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SOURCE OF FUNDS:

(1) State General Fund	293,622	
Total Alabama Law Institute	293,622	293,622

129. DEPARTMENT OF EDUCATION:

(a) Direct Client Services for the Handicapped/Projects-Vocational Rehabilitation/Crippled Children Services Program	2,030,000
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The General Fund monies included in the above program are to be distributed by the Department of Education as follows:

Homebound Program	2,000,000
Eye Injury Register	30,000

SOURCE OF FUNDS:

(1) State General Fund	2,030,000	
Total Department of Education	2,030,000	2,030,000

130. SPACE SCIENCE EXHIBIT COMMISSION:

(a) Tourism and Travel Promotion Program	200,000
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SOURCE OF FUNDS:

(1) State General Fund	200,000	
Total Space Science Exhibit Commission	200,000	200,000

131. GOVERNOR'S CONTINGENCY FUND:

(a) Executive Direction Program	1,000,000
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SOURCE OF FUNDS:

(1) State General Fund	1,000,000	
Total Governor's Contingency Fund ...	1,000,000	1,000,000

The above appropriation to the Governor's Contingency Fund shall be expended solely for expenses directly related to the operation of the Governor's Office and the Governor's mansions.

132. SPECIAL INDUSTRIAL JOB
TRAINING:

(a) Industrial Training Program 4,000,000

This appropriation shall be administered by the Alabama Industrial Development Training Institute to provide training and/or training assistance. Of the above appropriation, \$2 million shall be used for the U.S. Air Force Standards Systems Center, Montgomery and \$350,000 shall be used for the Alabama Center for Quality and Productivity.

SOURCE OF FUNDS:

(1) State General Fund 4,000,000

Total Special Industrial Job Training	4,000,000	4,000,000
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2D. OTHER FUNCTIONS OF
GOVERNMENT FUNDED
FROM THE STATE GENERAL
FUND:1. ADVERTISING LANDS FOR
TAX SALE:(a) State Revenue Administration
Program, Estimated 60,000

SOURCE OF FUNDS:

(1) State General Fund 60,000

As provided in Section 40-10-22, Code of Alabama 1975.

Total Advertising Lands for Tax Sale	60,000	60,000
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2. ARREST OF ABSCONDING
FELONS:(a) Criminal Investigation Program,
Estimated 65,000

SOURCE OF FUNDS:

(1) State General Fund 65,000

As provided in Section 15-9-3, Code of Alabama 1975.

Total Arrest of Absconding Felons	65,000	65,000
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3. COSTS FOR REAPPORTION-
MENT:(a) Reapportionment Legal Advice and
Legal Services Program, Estimated 50,000(b) Technical Services Related to
Reapportionment 100,000

SOURCE OF FUNDS:

(1) State General Fund 150,000

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Total Costs for Reapportionment Program	150,000	150,000
4. AUTOMATIC APPEAL EXPENSE:		
(a) Legal Advice and Legal Services Program, Estimated		100
SOURCE OF FUNDS:		
(1) State General Fund	100	
As provided in Section 12-22-150 and Section 12-22-241, <u>Code of Alabama 1975.</u>		
Total Automatic Appeal Expense	100	100
5. CIVIL COURT COSTS IN CONNECTION WITH AD VALOREM TAX ASSESSMENTS APPEALS:		
(a) State Revenue Administration Program, Estimated		200
SOURCE OF FUNDS:		
(1) State General Fund	200	
As provided in Section 40-7-45, <u>Code of Alabama 1975.</u>		
Total Civil Court Costs in Connection with Ad Valorem Tax Assessments Appeals	200	200
6. CONSUMER UTILITY RATE HEARING:		
(a) Executive Direction Program		250,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	250,000	
As provided in Section 37-1-18 <u>Code of Alabama 1975.</u>		
Total Consumer Utility Rate Hearing	250,000	250,000
7. COURT-ASSESSED COST NOT OTHERWISE PROVIDED FOR:		
(a) Legal advice and legal services program		1,000,000
It is the intent of the Legislature that the above appropriation be expended for Court Costs to include costs of depositions, witness fees, filing and docket fees, court reporters, court judgments, out-of-court settlements, and other expenses ordered by the court or normally identified as costs of court when approved by the Attorney General.		

SOURCE OF FUNDS:

(1) State General Fund	1,000,000	
Total Court-Assessed Cost Not Otherwise Provided For	1,000,000	1,000,000

8. COURT COSTS-ACT NO. 558, 1957:

(a) Court Operations Program, Estimated		500
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SOURCE OF FUNDS:

(1) State General Fund	500	
Pursuant to Act No. 558, 1957, page 777.		
Total Court Costs-Act No. 558, 1957	500	500

9. DISTRIBUTION OF PUBLIC DOCUMENTS:

(a) Administrative Support Services Program, Estimated		80,000
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SOURCE OF FUNDS:

(1) State General Fund	80,000	
As provided in Sections 41-21-8, 36-14-1, and 36-14-11, <u>Code of Alabama 1975</u> .		
Total Distribution of Public Documents	80,000	80,000

10. STATE DOCKS TRANSFER 3,500,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer	3,500,000	
The above appropriation to the State Docks shall be conditional upon the availability of funds and shall remain in the State General Fund until a demonstrated need is determined and recommended by the Finance Director and approved by the Governor.		
Total State Docks Transfer	3,500,000	3,500,000

11. ELECTION EXPENSES:

(a) Special Services Program, Estimated		1,978,897
(b) Training of Election Officials, Estimated		65,000

For payment of expenses pursuant to the court order entered by the U.S. District Court, Middle District of Alabama in Civil Action No. 84-T-595-N.

SOURCE OF FUNDS:

(1) State General Fund 2,043,897

As provided in Section 17-4-153, Code of Alabama 1975.

Total Election Expenses	2,043,897	2,043,897
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12. EMERGENCY FUND, DEPARTMENTAL:

(a) Special Services Program 1,500,000

SOURCE OF FUNDS:

(1) State General Fund 1,500,000

This is the appropriation contemplated in Section 41-4-94, Code of Alabama 1975, and shall be the only amount appropriated and the total amount expended under the provisions of said section. This appropriation shall be expended solely for the purpose of addressing a financial emergency within a state department, board, commission, bureau, office, or agency. None of the above appropriation may be transferred to the Governor's Contingency Fund.

None of the above appropriation may be used to fund any state department, fund, board, commission, bureau, office, or agency that has not been appropriated funds from any source under the provisions of this act.

Total Departmental Emergency Fund	1,500,000	1,500,000
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13. FEEDING OF PRISONERS:

(a) Institutional Services - Corrections Program, Estimated 3,000,000

SOURCE OF FUNDS:

(1) State General Fund 3,000,000

For expenses of feeding prisoners in county jails in accordance with Section 14-6-42, Code of Alabama 1975.

Total Feeding of Prisoners	3,000,000	3,000,000
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14. DEPARTMENT OF FINANCE-CAPITOL RENOVATION:

(a) Special Services Program 3,000,000

SOURCE OF FUNDS:

(1) State General Fund-Capital Outlay 3,000,000

Total Department of Finance-Capitol Renovation	3,000,000	3,000,000
<hr/>		
15. DEPARTMENT OF FINANCE-EMPLOYEES' SUGGESTION AWARDS PROGRAM:		
(a) Fiscal Management Program		15,000
SOURCE OF FUNDS:		
(1) State General Fund	15,000	
In accordance with Section 36-1-7, Code of Alabama 1975.		
<hr/>		
Total Department of Finance-Employees' Suggestion Awards Program	15,000	15,000
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16. DEPARTMENT OF FINANCE-FEMA:		
(a) Readiness and Recovery Program, Estimated		1,100,000
Payments of the State's share of administrative costs and matching grants furnished by the Federal Emergency Management Agency.		
SOURCE OF FUNDS:		
(1) State General Fund	1,100,000	
<hr/>		
Total Department of Finance-FEMA	1,100,000	1,100,000
<hr/>		
17. FOREST FIRE FUND, EMERGENCY:		
(a) Forest Resources Protection Program		180,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	180,000	
As provided by Section 9-3-10.1, Code of Alabama 1975.		
<hr/>		
Total Emergency Forest Fire Fund	180,000	180,000
<hr/>		
18. GOVERNOR'S CONFERENCE, NATIONAL:		
(a) Executive Direction Program		135,760
SOURCE OF FUNDS:		
(1) State General Fund	135,760	
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Total National Governor's Conference	135,760	135,760
<hr/>		
19. GOVERNOR'S COUNCILLOR:		
(a) Executive Direction Program, Estimated		26,000
SOURCE OF FUNDS:		
(1) State General Fund	26,000	

As provided in Section 36-13-13, Code of Alabama 1975.

Total Governor's Councillor	26,000	26,000
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20. GOVERNOR'S PROCLAMATION EXPENSES:

(a) Executive Direction Program, Estimated		200,000
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SOURCE OF FUNDS:

(1) State General Fund	200,000	
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As provided in Section 17-14-21, Code of Alabama 1975.

Total Governor's Proclamation Expenses	200,000	200,000
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21. GOVERNORS' WIDOWS RETIREMENT:

(a) Executive Direction Program, Estimated		14,400
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SOURCE OF FUNDS:

(1) State General Fund	14,400	
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As provided in Section 36-13-12, Code of Alabama 1975.

Total Governors' Widows Retirement	14,400	14,400
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22. INTERPRETER'S ACCOUNT:

(a) Court Operations Program, Estimated		2,500
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SOURCE OF FUNDS:

(1) State General Fund	2,500	
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As provided in Sections 12-21-131 et seq., Code of Alabama 1975.

Total Interpreter's Account	2,500	2,500
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23. LAW ENFORCEMENT FUND:

(a) Criminal Investigation Program ...		2,500
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,500	
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As provided in Section 28-4-312, Code of Alabama 1975.

Total Law Enforcement Fund	2,500	2,500
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24. LAW ENFORCEMENT LEGAL DEFENSE:

(a) Legal Advice and Legal Services Program, Estimated		3,000
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SOURCE OF FUNDS:

(1) State General Fund	3,000	
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To carry out provisions of Section 36-21-1, Code of Alabama 1975.

Total Law Enforcement Legal Defense	3,000	3,000
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25. LEGAL EXPENSES:

(a) Legal Advice and Legal Services Program		250,000
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For payment of legal expenses in defense of Civil Action No. 88-D-462-N in the U.S. District Court, Middle District of Alabama. Said appropriation shall be allotted in an amount not to exceed \$250,000 upon approval of the State Attorney General and the Governor.

SOURCE OF FUNDS:

(1) State General Fund	250,000	
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Total Legal Expenses	250,000	250,000
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26. LIABILITY INSURANCE FUND, STATE

1,000,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,000,000	
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As provided in Section 36-1-6.1, Code of Alabama 1975.

Total State Liability Insurance Fund	1,000,000	1,000,000
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Of the above appropriation \$40,000 is hereby appropriated to the Liability Insurance Board for administrative expenses.

27. MAILING TAX NOTICES:

(a) State Revenue Administration Program, Estimated		100
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SOURCE OF FUNDS:

(1) State General Fund	100	
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As provided in Section 40-7-25, Code of Alabama 1975.

Total Mailing Tax Notices	100	100
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28. MILITARY-EMERGENCY ACTIVE DUTY PAY:

(a) Military Operations Program, Estimated		200,000
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SOURCE OF FUNDS:

(1) State General Fund	200,000	
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As provided in Section 31-2-85, Code of Alabama 1975.

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Total Military-Emergency Active Duty Pay	200,000	200,000
<hr/>		
29. POLICEMAN'S SURVIVOR TUITION ACT:		
(a) Support of Other Educational Activities Program, Estimated		15,000
SOURCE OF FUNDS:		
(1) State General Fund	15,000	
As provided in Sections 36-21-95 through 36-21-99, <u>Code of Alabama 1975</u> .		
<hr/>		
Total Policeman's Survivor Tuition Act	15,000	15,000
<hr/>		
30. PRESIDENTIAL ELECTORAL EXPENSE:		
(a) Administrative Support Services Program, Estimated		2,000
SOURCE OF FUNDS:		
(1) State General Fund	2,000	
As provided in Section 17-19-8, <u>Code of Alabama 1975</u> .		
<hr/>		
Total Presidential Electoral Expense ..	2,000	2,000
<hr/>		
31. PRINTING OF CODE SUPPLEMENTS-LEGISLATIVE REFERENCE SERVICE:		
(a) Legislative Operations and Support Program, Estimated		500,000
SOURCE OF FUNDS:		
(1) State General Fund	500,000	
As provided in Section 29-7-6, <u>Code of Alabama 1975</u> .		
<hr/>		
Total Printing of Code Supplements-Legislative Reference Service	500,000	500,000
<hr/>		
32. PRINTING CODES AND SUPPLEMENTS-SECRETARY OF STATE:		
(a) Administrative Support Services Program, Estimated		165,000
SOURCE OF FUNDS:		
(1) State General Fund	165,000	
As provided in Sections 41-21-1 and 41-21-154, <u>Code of Alabama 1975</u> .		
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Total Printing Codes and Supplements-Secretary of State	165,000	165,000
33. PRINTING OF LEGISLATIVE ACTS AND JOURNALS:		
(a) Administrative Support Services Program, Estimated		500,000
SOURCE OF FUNDS:		
(1) State General Fund	500,000	
As provided in Sections 41-4-130 through 41-4-161, <u>Code of Alabama 1975</u> .		
Total Printing of Legislative Acts and Journals	500,000	500,000
34. PRINTING OF STATE AND COUNTY PRIVILEGE LICENSES:		
(a) State Revenue Administration Program, Estimated		25,000
SOURCE OF FUNDS:		
(1) State General Fund	25,000	
Total Printing of State and County Privilege Licenses	25,000	25,000
35. REGISTRATION OF VOTERS:		
(a) Special Services Program, Estimated		1,000,000
SOURCE OF FUNDS:		
(1) State General Fund	1,000,000	
In accordance with Sections 17-4-126 and 17-4-153, <u>Code of Alabama 1975</u> .		
Total Registration of Voters	1,000,000	1,000,000
36. REMOVAL OF PRISONERS:		
(a) Administrative Services and Logistical Support Program, Estimated		300,000
SOURCE OF FUNDS:		
(1) State General Fund	300,000	
As provided in Sections 15-10-70 through 15-10-73 and 15-9-62, 15-9-65, and 15-9-81, <u>Code of Alabama 1975</u> .		
Total Removal of Prisoners	300,000	300,000
37. STATE GENERAL FUND, ESTIMATED		57,000,000
SOURCE OF FUNDS:		
(1) Heritage Trust Income Fund Transfer, Estimated	57,000,000	

All income other than income realized
on sale of Trust Fund assets and not
otherwise appropriated herein.

Total State General Fund, Estimated	57,000,000	57,000,000
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38. STATE TREASURER-PRE-
VIOUS YEAR'S UNPAID WAR-
RANTS:

(a) Special Services Program, Estimated		200,000
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SOURCE OF FUNDS:

(1) State General Fund	200,000	
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As provided in Section 41-4-60, Code
of Alabama 1975.

Total State Treasurer-Previous Year's Unpaid Warrants	200,000	200,000
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2E. DEBT SERVICE FUNDED
FROM THE STATE GENERAL
FUND:

1. General Obligation Capital Im- provement Bonds, Series B, Estimated		1,184,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,184,000	
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Total General Obligation Capital Im- provement Bonds, Series B, Estimated	1,184,000	1,184,000
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2. General Obligation Coosa Water- way Bonds, Series A and B, Estimated		1,015,270
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,015,270	
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Total General Obligation Coosa Water- way Bonds, Series A and B, Estimated	1,015,270	1,015,270
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3. General Obligation Docks Facilities Bonds, Series A-C, Estimated		4,599,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	4,599,000	
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Total General Obligation Docks Facil- ities Bonds, Series A-C, Estimated	4,599,000	4,599,000
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4. Tennessee-Tombigbee Waterway Bonds, Series A and C-D, Estimated		3,401,367
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SOURCE OF FUNDS:

(1) State General Fund-Transfer, Estimated	3,401,367	
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Pursuant to Constitutional Amendment No. 270 as provided in Act No. 248, 1967 Regular Session.

Total Tennessee-Tombigbee Waterway Bonds, Series A and C-D, Estimated	3,401,367	3,401,367
5. Corrections Institution Bonds, Estimated		1,817,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer, Estimated	1,817,000
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Pursuant to Constitutional Amendment No. 374 as provided for in Act No. 134, 1978 Second Special Session.

Total Corrections Institution Bonds, Estimated	1,817,000	1,817,000
6. General Obligation Capital Bonds, 1982, Series A and B, and General Obligation Refunding Bonds, 1983, Series A and B, Estimated		66,665,897

SOURCE OF FUNDS:

(1) State General Fund-Transfer	66,665,897
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Total General Obligation Capital Bonds, 1982, Series A and B, and General Obligation Refunding Bonds, 1983, Series A and B, Estimated	66,665,897	66,665,897
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2F. CONDITIONAL APPROPRIATIONS:

In addition to the appropriations heretofor made there is hereby appropriated to the following agencies from the State General Fund the following amounts in the following priority to be conditioned on the availability of funds in the State General Fund and the approval of the Governor:

1. Department of Finance-Capitol Renovation	6,000,000
2. Public Safety, Automated Fingerprint Identification System	2,500,000

In addition, the following conditional appropriations are made after the above priority items are funded conditioned only on availability of funds and approval of the Governor:

3. Public Safety, Department of	7,242,565
4. Pardons and Paroles, Board of	3,382,500
5. Corrections, Department of	6,078,014
6. Feeding of Prisoners	500,000
7. Mental Health, Department of-Operations	2,697,673

For the reduction in cigarette tax revenue due to the issuance of Mental Health Bonds	4,200,000
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8. Medicaid Agency, Alabama	4,930,000
9. Environmental Management, Department of	500,000
10. Human Resources, Department of	4,841,933
11. Ethics Commission	16,024
12. Farmer's Market Authority	383
13. Finance, Department of	556,419
14. Finance-Air Transportation	96,861
15. Examiners of Public Accounts	2,200,495
16. Legislative Reference Service	56,398
17. Department of Public Health-Operations	1,000,000
For the reduction in cigarette tax revenue due to the issuance of Mental Health Bonds	1,800,000
18. Court of Civil Appeals	49,468
19. Judicial Inquiry Commission	10,390
20. Court of Criminal Appeals	84,873
21. Governor's Office	144,972
22. Education, Department of	260,000
23. Building Commission	32,770
24. Military Department	407,720
25. Labor, Department of	20,313
26. Insurance, Department of	260,173
27. Industrial Relations, Department of	60,225
28. Historical Commission, Alabama	521,160
29. Emergency Management Agency	277,350
30. Law Institute, Alabama	30,903
31. Secretary of State	43,798
32. Securities Commission	183,216
33. Adjustment, Board of	100,000
34. Academy of Honor, Alabama	518
35. Cahawba Advisory Committee	382
36. Elk River Development Agency	171
37. Gorgas Memorial Board	3,210
38. Motor Sports Hall of Fame	20,766
39. Music Hall of Fame Board	4,629
40. Senior Citizens Hall of Fame, Alabama	22,681
41. Tannehill Furnace and Foundry Commission	25,000
42. Tennessee Tombigbee Waterway	4,000

43. TVA Exhibit Commission	2,722
44. Women's Commission, Alabama ..	5,399
45. Governor's Proclamation Expense	50,000
46. Election Expenses	21,103
47. Finance-Telephone Revolving Fund	188,895

SECTION 3. That, except as may be herein otherwise provided, amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Sections 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Sections 41-4-80 et seq., Code of Alabama 1975, and the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975.

SECTION 4. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission, or agency is insufficient to pay salaries in that office, department, bureau, board, commission or agency.

SECTION 5. In addition to appropriations herein made, all gifts, grants, contributions, or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Notwithstanding any laws to the contrary, any receipts during fiscal year 1988-89 which exceed an amount of up to 1% of such fiscal year state revenue receipts or up to \$100,000, whichever is greater, to any state fund or from any state revenue source that exceed the amount appropriated by this Act to any state fund, department, agency, division, board, bureau, commission, institution, or office with the exception of revenue to the Real Estate Commission; the Board of Cosmetology; the Department of Finance-Data Systems Management; Telephone Revolving Fund; Alabama Building Finance Authority; Capitol Complex Maintenance and Repair; Alabama Building Authority; Central Mail and Supply; Motor Pool; and Printing and Publications; and funds constitutionally earmarked for construction and maintenance of public roads and bridges shall be transferred to the State General Fund within thirty (30) days after September 30, 1989. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 6. Under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, any interest earned by the State

thereon, together with any accruals or reversions accruing from Revenue Sharing Investments are hereby appropriated to the State General Fund.

SECTION 7. All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized in Section 41-4-93, Code of Alabama 1975, shall lapse on September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the State General Fund or the trust fund from which the appropriation or appropriations were made.

SECTION 8. With the exceptions of the appropriations made herein to the Alabama Development Office and to the Bureau of Tourism and Travel, none of the agencies receiving an appropriation under the provisions of this bill shall expend any funds directly or indirectly in the support of The Alabama Reunion.

SECTION 9. The appropriations made herein to the departments, boards, offices, commissions, and agencies include the amount necessary and said departments, boards, offices, commissions, and agencies are hereby directed to make the transfer of funds to the State Personnel Department in the amounts enumerated in Section 2C, Subsection 97.

SECTION 10. That, if any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 11. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

SECTION 12. That each Department of the State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

SECTION 13. That this Act shall become effective October 1, 1988.

SUBSTITUTE TO SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Ford offered the following substitute to the substitute offered by Rep. Harper to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 27:

A BILL TO BE ENTITLED AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1989.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. The monies in Section 2 are appropriated from the named funds for the 1988-89 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the totals for all programs are shown by the source of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

- (a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.

SECTION 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State and for the principal and interest on the public debt for the fiscal year ending September 30, 1989, and for other functions of government to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Sections 41-19-1 through 12, Code of Alabama 1975. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

	Fund Sources Included In Appropriation Total		
	General Fund	Trust Funds	Appropriation Total
2A. LEGISLATIVE:			
1. EXAMINERS OF PUBLIC AC- COUNTS, DEPARTMENT OF:			
(a) Legislative Support-Audit Services Program			8,425,687
SOURCE OF FUNDS:			
(1) State General Fund	8,225,687		
(2) Federal Funds		200,000	
Total Department of Examiners of Public Accounts	8,225,687	200,000	8,425,687
2. LEGISLATIVE COUNCIL:			
(a) Legislative Operations and Sup- port Program			212,200
SOURCE OF FUNDS:			
(1) State General Fund	212,200		
Pursuant to Section 29-6-1 et seq., <u>Code of Alabama 1975.</u>			
Total Legislative Council	212,200		212,200
3. LEGISLATIVE FISCAL OFFICE:			
(a) Legislative Operations and Sup- port Program (to include program review and evaluation)			948,809

SOURCE OF FUNDS:

(1) State General Fund	948,809	
Total Legislative Fiscal Office	948,809	948,809

4. LEGISLATIVE REFERENCE SERVICE:

(a) Legislative Operations and Support Program		1,094,243
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SOURCE OF FUNDS:

(1) State General Fund	1,094,243	
Total Legislative Reference Service	1,094,243	1,094,243

5. LEGISLATURE:

(a) Legislative Operations and Support Program		8,898,709
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It is the intent of the Legislature that (1) the above appropriation shall include funds for the necessary technical expenses associated with reapportionment (2) that at least \$50,000 shall be allocated for the Senate Finance and Taxation Committee, the Office of the Senate Pro Tempore and the Senate Rules Committee and (3) that at least \$50,000 shall be allocated for the Ways and Means Committee, the House Rules Committee, and the Speaker of the House Office. The appropriation to the Legislature shall be expended under the provisions set forth in Section 29-1-22, Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund	8,798,709	
(2) Public Service Commission Operating Fund-Transfer		100,000

The above transfer from the Public Service Commission Operating Fund is hereby authorized pursuant to Section 29-1-22, Code of Alabama 1975.

Total Legislature	8,798,709	100,000	8,898,709
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6. LEGISLATURES, NATIONAL CONFERENCE OF STATE:

(a) Legislative Operations and Support Program		72,667
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SOURCE OF FUNDS:

(1) State General Fund	72,667	
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Total National Conference of State Legislatures	72,667	72,667
2B. JUDICIAL:		
1. COURT OF CIVIL APPEALS:		
(a) Court Operations Program		1,077,236
SOURCE OF FUNDS:		
(1) State General Fund	1,077,236	
Total Court of Civil Appeals	1,077,236	1,077,236
2. COURT OF CRIMINAL APPEALS:		
(a) Court Operations Program		1,641,488
SOURCE OF FUNDS:		
(1) State General Fund	1,641,488	
Total Court of Criminal Appeals	1,641,488	1,641,488
3. JUDICIAL INQUIRY COMMISSION:		
(a) Administrative Services Program		93,510
SOURCE OF FUNDS:		
(1) State General Fund	93,510	
Total Judicial Inquiry Commission	93,510	93,510
4. JUDICIAL RETIREMENT FUND:		
(a) Retirement Systems Program		1,524,500
SOURCE OF FUNDS:		
(1) State General Fund	1,524,500	
Total Judicial Retirement Fund	1,524,500	1,524,500
5. SUPREME COURT:		
(a) Court Operations Program		4,245,300
SOURCE OF FUNDS:		
(1) State General Fund	4,245,300	
Total Supreme Court	4,245,300	4,245,300
6. UNIFIED JUDICIAL SYSTEM:		
(Administrative Office of Courts)		
(a) Court Operations Program		57,377,632
(b) Administrative Services Program		3,530,922
(c) DUI Referral Program		97,887
(d) Fringe Benefit Program, Estimated		300,000
SOURCE OF FUNDS:		
(1) State General Fund	60,828,441	

(2) State General Fund-Social Security-County Judicial, Estimated	300,000		
(3) Clerks and Registers Supernumerary Fund		178,000	
Total Unified Judicial System	61,128,441	178,000	61,306,441

2C. EXECUTIVE:

1. ACADEMY OF HONOR, ALABAMA:

(a) Historical Resources Management Program			1,784
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SOURCE OF FUNDS:

(1) State General Fund	1,784		
As provided in Section 41-11-6, <u>Code of Alabama 1975</u> , and an additional amount.			
Total Alabama Academy of Honor	1,784		1,784

2. ACCOUNTANCY, ALABAMA STATE BOARD OF PUBLIC:

(a) Professional and Occupational Licensing and Regulation Program			341,699
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SOURCE OF FUNDS:

(1) Alabama State Board of Public Accountancy Fund		341,699	
As provided in Section 34-1-22, <u>Code of Alabama 1975</u> . In addition to the amounts appropriated hereinabove to the State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.			
Total Alabama State Board of Public Accountancy		341,699	341,699

3. ADJUSTMENT, BOARD OF:

(a) Special Services Program			222,400
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SOURCE OF FUNDS:

(1) State General Fund	11,200		
For the State General Fund Contribution to the total expenditure of \$750,000 pursuant to Section 41-9-73, <u>Code of Alabama 1975</u> .			
(2) State General Fund, Estimated	200,000		

For expenditures as provided in Section 31-3-2 and Section 36-30-2, Code of Alabama 1975.

(3) State General Fund-Administrative Costs	11,200		
Total Board of Adjustment	222,400		222,400
4. AERONAUTICS, DEPARTMENT OF:			
(a) Airport Development and Aeronautical Support Program			867,986
SOURCE OF FUNDS:			
(1) Airport Development Fund		867,986	
As provided by Section 4-2-42, <u>Code of Alabama 1975</u> .			
Total Department of Aeronautics		867,986	867,986
5. AGING, COMMISSION ON:			
(a) Planning and Advocacy for the Elderly Program			16,811,890
(b) Medicaid Waiver Services Program			6,346,725
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	1,445,701		
(2) State General Fund-Transfer Medicaid Waiver	1,770,580		
(3) Federal, Local and Miscellaneous Funds		19,942,334	
Total Commission on Aging	3,216,281	19,942,334	23,158,615
The Commission on Aging shall contract with the existing Regional Planning Commissions or Councils of Local Governments and/or Area Agencies on Aging to provide services for one-third of the State's present and future client slots for the program known as the "Medicaid Waiver Services Program-Home and Community-Based Waiver for the Elderly and Disabled".			
6. AGRICULTURAL AND CONSERVATION DEVELOPMENT COMMISSION:			
(a) Water Resource Development Program			2,070,000
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	2,000,000		
(2) Miscellaneous Funds		70,000	
As provided in Section 9-8A-4.1, <u>Code of Alabama 1975</u> .			

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Total Agricultural and Conservation Development Commission	2,000,000	70,000	2,070,000
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7. AGRICULTURAL CENTER
BOARD:

(a) Agricultural Development Services Program			874,749
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SOURCE OF FUNDS:

(1) State General Fund	169,354		
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For expense and awarding of prizes for
fairs as provided in Section 2-7-21,
Code of Alabama 1975.

(2) State General Fund-Transfer- Operations	122,603		
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(3) State General Fund-Transfer- Livestock Coliseum	282,982		
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(4) Livestock Coliseum Fund		299,810	
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Total Agricultural Center Board	574,939	299,810	874,749
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3. AGRICULTURE AND INDUS-
TRIES, DEPARTMENT OF:

(a) Administrative Services Program			2,471,546
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(b) Agricultural Inspection Services Program			10,050,697
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(c) Laboratory Analysis and Disease Control Program			4,017,534
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(d) Agricultural Development Services Program			1,966,507
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	7,694,380		
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(2) Federal, Local and Miscellaneous Funds		2,295,904	
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(3) Shipping Point Inspection Fund ..		4,228,805	
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Pursuant to Sections 2-9-20 et seq.,
Code of Alabama 1975. All fees and
charges collected by the Commis-
sioner of Agriculture and Industries
and deposited into said fund, and
such appropriation to the Depart-
ment of Agriculture and Industries
shall include all fees and charges col-
lected and deposited therein for
Shipping Point Inspection grading
and classification services for agri-
cultural products including services
furnished for weighing and issuing
weight certificates to be used for the
sale of agricultural commodities.

(4) Agricultural Fund		4,287,195	
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Total Department of Agriculture and Industries	7,694,380	10,811,904	18,506,284
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8A. AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION, ALABAMA:

(a) Agricultural Development Services Program			50,000
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SOURCE OF FUNDS:

(1) State General Fund	50,000		
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Total Agricultural and Industrial Exhibit Commission	50,000		50,000
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9. ALABAMA TRUST FUND BOARD:

(a) Administrative Program			35,886
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	35,886		
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Total Alabama Trust Fund Board	35,886		35,886
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10. ALCOHOLIC BEVERAGE CONTROL BOARD, ALABAMA:

(a) Alcoholic Beverage Management Program			23,029,145
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(b) Enforcement Program			4,886,000
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(c) Administrative Services Program			4,044,840
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Any other provision of law to the contrary notwithstanding, the appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the Department of Mental Health and Mental Retardation of \$1,000,000 and a transfer to the Department of Public Health of \$4,000,000 and a transfer to the Alabama Medicaid Agency of \$5,000,000. The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer of \$200,000 to the State General Fund. The above transfers shall be made from the operating funds of the Alcoholic Beverage Control Board and shall not affect any distribution of revenue generated from the sale of alcoholic beverages.

SOURCE OF FUNDS:

(1) ABC Board Fund	31,959,985		
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The Alabama Alcoholic Beverage Control Board is hereby prohibited from opening any new retail stores during

fiscal year 1988-89, except in counties or municipalities that elect to go wet during said fiscal year. The sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized, such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board	31,959,985	31,959,985
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11. ARCHITECTS, BOARD FOR REGISTRATION OF:		
(a) Professional and Occupational Licensing and Regulation Program		215,000
SOURCE OF FUNDS:		
(1) Fund of the Board for Registration of Architects	215,000	
As provided in Section 34-2-41, <u>Code of Alabama 1975</u> .		
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Total Board for Registration of Architects	215,000	215,000
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12. ARCHIVES AND HISTORY,
DEPARTMENT OF:

(a) Historical Resources Management Program	2,677,157
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SOURCE OF FUNDS:

(1) State General Fund	2,556,787
(2) Federal Funds	120,370

Total Department of Archives and History	2,556,787	120,370	2,677,157
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13. ATTORNEY GENERAL, OF-
FICE OF THE:

(a) Legal Advice and Legal Services Program	6,423,466
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(b) Fair Marketing Practices Program	569,687
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	5,795,232
(2) State General Fund-Transfer-Consumer Protection	513,698
(3) Federal, Local and Miscellaneous Funds	684,223

Total Office of the Attorney General ..	6,308,930	684,223	6,993,153
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In addition to the above appropriation to the Office of the Attorney General, there is hereby appropriated the amount of \$611,000 to be conditional upon it being used solely to continue operation of a Drug Enforcement Division. Said funds will also be available for use as a state match for Federal Drug Grants and other Federal Grants; any unused funds will remain part of the overall General Fund and will not be allotted to the Office of the Attorney General.

14. AUDITOR, STATE:

(a) Fiscal Management Program	811,565
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SOURCE OF FUNDS:

(1) State General Fund	811,565
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Total State Auditor	811,565	811,565
15. BANKING DEPARTMENT, STATE:		
(a) Charter, License and Regulate Fi- nancial Institutions Program		2,828,141
SOURCE OF FUNDS:		
(1) Banking Assessment Fees	2,522,441	
As provided in Section 5-2A-20, <u>Code</u> <u>of Alabama 1975.</u>		
(2) Loan Examination Fund	305,700	
As provided in Section 5-2A-24, Sec- tion 5-16-38.1, and Section 5-18-5, <u>Code of Alabama 1975.</u>		
Total State Banking Department	2,828,141	2,828,141
16. BAR ASSOCIATION, ALA- BAMA STATE:		
(a) Professional and Occupational Li- censing and Regulation Program		1,321,875
SOURCE OF FUNDS:		
(1) State Bar Association Fund	1,186,220	
As provided in Section 34-3-4 and Sec- tion 34-3-44, <u>Code of Alabama 1975.</u>		
(2) Local Funds, Estimated	135,655	
As provided in Sections 34-3-44, 34-3- 17 and 34-3-18, <u>Code of Alabama</u> <u>1975.</u>		
Total Alabama State Bar Association	1,321,875	1,321,875
17. BEAR CREEK DEVELOP- MENT AUTHORITY:		
(a) Water Resource Development Program		54,535
SOURCE OF FUNDS:		
(1) State General Fund	54,535	
Total Bear Creek Development Authority	54,535	54,535
18. BUILDING COMMISSION, STATE:		
(a) Special Services Program		1,193,405
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	792,595	
(2) Federal, Local and Miscellaneous Funds	400,810	

Total State Building Commission	792,595	400,810	1,193,405
19. CAHAWBA ADVISORY COMMITTEE:			
(a) Historical Resources Management Program			9,550
SOURCE OF FUNDS:			
(1) State General Fund	9,550		
Total Cahawba Advisory Committee ..	9,550		9,550
20. CHILD ABUSE AND NEGLECT PREVENTION BOARD:			
(a) Social Services Program			451,909
In accordance with Sections 26-16-1 et seq., <u>Code of Alabama 1975</u> .			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	275,000		
(2) Children's Trust Fund, Estimated		176,909	
Total Child Abuse and Neglect Prevention Board	275,000	176,909	451,909
21. CHIROPRACTIC EXAMINERS, ALABAMA STATE BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			75,750
SOURCE OF FUNDS:			
(1) Alabama State Board of Chiropractic Examiner's Fund		75,750	
As provided in Section 34-24-143, <u>Code of Alabama 1975</u> .			
Total Alabama State Board of Chiropractic Examiners		75,750	75,750
22. CONSERVATION AND NATURAL RESOURCES, DEPARTMENT OF:			
(a) State Land Management Program			610,000
(b) Outdoor Recreation Sites and Services Program			15,000,047
(c) Marine Police Program			3,309,946
(d) Wildlife Game and Fish Program			12,695,500
(e) Marine Resources Program			2,212,000
Of the above appropriation, \$50,000 shall be used for the oyster planting program.			

(f) Land and Water Conservation Program	1,200,000
(g) Administrative Services Program	2,648,399

The appropriation to the Department of Conservation and Natural Resources shall include Alabama's pro rata share of the Gulf States Marine Fisheries Commission operation expenses. The appropriation to the Department of Conservation and Natural Resources includes funds for the maintenance, staff and repair of the Governor's official beach mansion.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	536,000	
(2) Game and Fish Fund		12,835,500

Of the above appropriation \$140,000 shall be transferred from the Game and Fish Fund to the Marine Resources Program.

(3) State Lands Fund	610,000
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The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.

(4) Marine Resources Fund	2,022,000
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In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division programs or projects which he deems appropriate.

(5) Marine Police Fund	3,309,946
(6) State Parks Fund	300,000
(7) Parks Revolving Fund	13,414,047
(8) Administrative Funds	2,648,399

The funds hereinabove appropriated shall be payable as provided in Section 9-2-1 et seq., Code of Alabama 1975.

(9) Cigarette Tax	800,000		
(10) Federal Land and Water Fund ...	1,200,000		
Total Department of Conservation and Natural Resources	536,000	37,139,892	37,675,892
23. CONTRACTORS, STATE LI- CENSING BOARD FOR GEN- ERAL:			
(a) Professional and Occupational Li- censing and Regulation Program			401,122
SOURCE OF FUNDS:			
(1) State Licensing Board for General Contractors Fund		401,122	
Pursuant to Section 34-8-25, <u>Code of Alabama 1975</u> . In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.			
Total State Licensing Board for Gen- eral Contractors		401,122	401,122
24. CORRECTIONS, DEPART- MENT OF:			
(a) Administrative Services and Lo- gistical Support Program			9,243,083
(b) Institutional Services Corrections Program			97,687,991
(c) Correctional Agricultural and In- dustries Program			19,949,300
The Department of Corrections shall not utilize any portion of its State General Fund appropriation to sup- port the Correctional Industries Pro- gram, for either the agribusiness element or the industries element.			
(d) Transfer to State General Fund from the Correctional Industries Re- volving Fund			1,500,000
Notwithstanding any other law to the contrary and specifically including Section 5 of Act No. 87-715, it is further the intent of the Legislature that in accordance with Section 14- 7-20 of the <u>Code of Alabama, 1975</u> , that this transfer be made.			

SOURCE OF FUNDS:

(1) State General Fund-Transfer	104,131,074	
(2) Department of Corrections Fund		24,249,300

The above amount shall include \$1,500,000 to be transferred from the Correctional Industries Revolving Fund to the State General Fund.

The Commissioner of the Department of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Department of Corrections. Any such grant funds so generated and in direct support of the Department of Corrections' operations are also hereby appropriated.

Total Department of Corrections	104,131,074	24,249,300	128,380,374
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In addition to the above appropriation to the Department of Corrections, there is hereby conditionally appropriated from the State General Fund \$1,100,000 for expanded facilities at Bullock County and \$6,200,000 for prisons at Clayton and Clio, to be conditioned upon the availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

25. COSMETOLOGY, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	667,590
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SOURCE OF FUNDS:

(1) Alabama Board of Cosmetology Fund	667,590
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As provided in Section 34-7-42, Code of Alabama 1975.

Total Alabama Board of Cosmetology	667,590	667,590
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26. COUNSELING, ALABAMA BOARD OF EXAMINERS IN:

(a) Professional and Occupational Licensing and Regulation Program	58,700
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SOURCE OF FUNDS:

(1) Alabama Board of Examiners in Counseling Fund	58,700
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As provided in Section 34-8A-6, Code of Alabama 1975.

Total Alabama Board of Examiners in Counseling			
		58,700	58,700

27. CREDIT UNION ADMINISTRATION, ALABAMA:

(a) Charter, License and Regulate Financial Institutions Program			400,700
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SOURCE OF FUNDS:

(1) Alabama Credit Union Administration Fund		400,700	
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As provided in Section 5-17-7, Code of Alabama 1975.

Total Alabama Credit Union Administration			
		400,700	400,700

28. CRIME VICTIMS COMPENSATION COMMISSION, ALABAMA:

(a) Special Services Program, Estimated			416,606
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SOURCE OF FUNDS:

(1) Alabama Crime Victims Compensation Commission Fund, Estimated		416,606	
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To be expended in accordance with Sections 15-23-1 et seq., Code of Alabama 1975.

Total Alabama Crime Victims Compensation Commission			
		416,606	416,606

29. CRIMINAL JUSTICE INFORMATION CENTER, ALABAMA:

(a) Criminal Justice Information Services Program			3,666,419
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,820,503		
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(2) Federal, Local, and Miscellaneous Funds		845,916	
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Total Alabama Criminal Justice Information Center	2,820,503	845,916	3,666,419
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30. DEVELOPMENT OFFICE, ALABAMA:

(a) Promotional Development Program-Alabama Film Commission ...			250,000
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(b) Administrative Services Program-Office of Minority Business			95,500
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(c) Industrial Development Program- Alabama Development Office	4,348,309
(d) Alabama Reunion	300,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer-Ala- bama Development Office	4,548,309		
(2) State General Fund-Transfer-Of- fice of Minority Business	95,500		
(3) State General Fund-Transfer-Ala- bama Film Commission	250,000		
(4) Federal, Local and Miscellaneous Funds		100,000	
Total Alabama Development Office	4,893,809	100,000	4,993,809

31. DISTRICT ATTORNEYS:

(a) Court Operations Program	12,071,127
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The proposed spending plan included
in the above total is as follows:

Salaries of District
Attorneys 2,328,355

Salary of elected Deputy District At-
torney of the Bessemer Division of
the 10th Judicial Circuit 56,955

For the use of the elected Assistant
District Attorney of the Bessemer
Division of the 10th Judicial
Circuit 135,854

Salaries and expenses of Supernumer-
ary District Attorneys 1,110,780

For use in the District Attorney's Of-
fice of the following Judicial Circuits:

1st Judicial Circuit	120,186
2nd Judicial Circuit	135,902
3rd Judicial Circuit	178,509
4th Judicial Circuit	416,609
5th Judicial Circuit	383,934
6th Judicial Circuit	297,195
7th Judicial Circuit	230,669
8th Judicial Circuit	180,284
9th Judicial Circuit	160,593
10th Judicial Circuit	450,471
11th Judicial Circuit	129,487
12th Judicial Circuit	276,489
13th Judicial Circuit	492,114
14th Judicial Circuit	133,443
15th Judicial Circuit	421,074

16th Judicial Circuit	252,840
17th Judicial Circuit	133,970
18th Judicial Circuit	222,482
19th Judicial Circuit	171,099
20th Judicial Circuit	203,277
21st Judicial Circuit	153,623
22nd Judicial Circuit	134,304
23rd Judicial Circuit	336,251
24th Judicial Circuit	127,428
25th Judicial Circuit	121,918
26th Judicial Circuit	207,524
27th Judicial Circuit	169,264
28th Judicial Circuit	209,411
29th Judicial Circuit	229,835
30th Judicial Circuit	212,533
31st Judicial Circuit	125,133
32nd Judicial Circuit	161,275
33rd Judicial Circuit	158,966
34th Judicial Circuit	110,355
35th Judicial Circuit	105,337
36th Judicial Circuit	106,950
37th Judicial Circuit	213,561
38th Judicial Circuit	161,593
39th Judicial Circuit	131,854
Travel Expense of District Attorneys	75,000
Investigators Subsistence-Section 36-21-2, <u>Code of Alabama</u> 1975	196,441

SOURCE OF FUNDS:

(1) State General Fund	12,071,127	
Total District Attorneys	12,071,127	12,071,127

32. ECONOMIC AND COMMUNITY AFFAIRS, ALABAMA DEPARTMENT OF:

(a) Administrative Support Services Program	4,460,955
(b) Planning Program	34,853,423

In addition to the above appropriation, there is hereby appropriated \$2,000,000 from the State General Fund to the State Planning Program to be conditioned on the availability of funds in the State General Fund and the approval of the Governor.

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(c) Special Services Program	18,941,180
(d) Skills Enhancement and Employment Opportunities Program	60,914,952
(e) Energy Management Program	14,746,929
(f) Traffic Control and Accident Prevention Program	3,186,905
(g) Law Enforcement Planning and Development Program	3,303,226
(h) Surplus Property Program	1,310,000
(i) Regional Planning Commission	300,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer	5,233,079		
(2) Federal, Local and Miscellaneous Funds		131,493,354	
(3) Administrative Transfers		3,981,137	
(4) Administrative Transfers from Federal Donated Surplus Property Sales		700,000	
(5) Administrative Transfers from State-Owned Surplus Property Sales		610,000	
Total Alabama Department of Economic and Community Affairs	5,233,079	136,784,491	142,017,570

33. ELECTRICAL CONTRACTORS, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	93,000
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SOURCE OF FUNDS:

(1) Electrical Contractors Board Fees As provided in Section 34-36-17, <u>Code of Alabama 1975</u> .	93,000	
Total Board of Electrical Contractors	93,000	93,000

34. ELK RIVER DEVELOPMENT AGENCY:

(a) Water Resource Development Program	4,265
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SOURCE OF FUNDS:

(1) State General Fund	4,265	
Total Elk River Development Agency	4,265	4,265

35. EMERGENCY MANAGEMENT AGENCY:

(a) Readiness and Recovery Program	4,980,194
(b) Transfer to County Emergency Management Agencies	350,000

The above appropriation of \$350,000 is to be in addition to the regular allocations to county emergency management agencies.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,066,148		
(2) Federal, Local and Miscellaneous Funds		4,264,046	
Total Emergency Management Agency	1,066,148	4,264,046	5,330,194

36. ENERGY BOARD, SOUTHERN STATES:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geological Research and Topographic Mapping Program			27,149
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SOURCE OF FUNDS:

(1) State General Fund	27,149		
Total Southern States Energy Board	27,149		27,149

37. ENGINEERS AND LAND SURVEYORS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL:

(a) Professional and Occupational Licensing and Regulation Program			397,100
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SOURCE OF FUNDS:

(1) Professional Engineers' Fund	397,100		
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As provided in Section 34-11-36, Code of Alabama 1975.

Total State Board of Registration for Professional Engineers and Land Surveyors		397,100	397,100
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38. ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF:

(a) Environmental Management Program			42,840,889
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	4,157,600		
(2) State General Fund-Transfer to Water Pollution Control Authority	2,700,000		
(3) State General Fund-Transfer to Tire Recycling Center	25,000		
(4) Environmental Management Fees		2,128,350	

As provided in Section 22-22A-11, Code of Alabama 1975.

(5) Federal, Local and Miscellaneous Funds		6,669,939	
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(6) Federal Match-Water Pollution Control Authority	27,160,000		
Total Department of Environmental Management	6,882,600	35,958,289	42,840,889
39. ETHICS COMMISSION, ALABAMA:			
(a) Regulation of Public Officials and Employees Program			307,679
SOURCE OF FUNDS:			
(1) State General Fund	307,679		
Total Alabama Ethics Commission	307,679		307,679
40. FARMERS' MARKET AUTHORITY:			
(a) Agricultural Development Services Program			268,256
SOURCE OF FUNDS:			
(1) State General Fund-Transfer for Administration	94,374		
(2) Farmers' Market Authority Administration-Transfer from Capital Outlay Account		36,941	
(3) Farmers' Market Authority Fund-Revenue and Capital Outlay Account		136,941	
Total Farmers' Market Authority	94,374	173,882	268,256
41. FINANCE, DEPARTMENT OF:			
(a) Fiscal Management Program			3,465,671
(b) Administrative Support Services Program			4,052,907
(c) Capitol Police-Equipment			41,000
SOURCE OF FUNDS:			
(1) State General Fund	7,509,578		
(2) Miscellaneous Funds		50,000	
Total Department of Finance	7,509,578	50,000	7,559,578
42. FINANCE, DEPARTMENT OF-AIR TRANSPORTATION:			
(a) Administrative Support Services Program			1,892,270
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	1,148,487		
(2) Departmental Receipts		743,783	

Total Department of Finance-Air Transportation	1,148,487	743,783	1,892,270
43. FINANCE, DEPARTMENT OF-ALABAMA BUILDING AUTHORITY:			
(a) Administrative Support Services Program			1,397,605
(b) Asbestos Removal and Renovation			3,075,559
SOURCE OF FUNDS:			
(1) Alabama Building Authority Operating Fund		4,473,164	
Total Department of Finance-Alabama Building Authority		4,473,164	4,473,164
44. FINANCE, DEPARTMENT OF-ALABAMA BUILDING FINANCE AUTHORITY:			
(a) Administrative Support Services Program			1,047,021
SOURCE OF FUNDS:			
(1) Alabama Building Finance Authority Operating Fund		1,047,021	
Total Department of Finance-Alabama Building Finance Authority ..		1,047,021	1,047,021
45. FINANCE, DEPARTMENT OF-CAPITOL COMPLEX MAINTENANCE AND REPAIR:			
(a) Administrative Support Services Program			2,642,641
SOURCE OF FUNDS:			
(1) Capitol Complex Revolving Fund		2,642,641	
Total Department of Finance-Capitol Complex Maintenance and Repair		2,642,641	2,642,641
46. FINANCE, DEPARTMENT OF-DATA CENTER OPERATING FUND:			
(a) Administrative Support Services Program			14,697,200
SOURCE OF FUNDS:			
(1) Data Center Operating Fund		14,697,200	

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Total Department of Finance-Data Center Operating Fund	14,697,200	14,697,200
47. FINANCE, DEPARTMENT OF-STATE INSURANCE FUND:		
(a) Administrative Support Services Program		749,696
SOURCE OF FUNDS:		
(1) State Insurance Fund-Administrative	749,696	
As provided in Section 41-15-1 et seq., Code of Alabama 1975.		
Total Department of Finance-State Insurance Fund	749,696	749,696
48. FINANCE, DEPARTMENT OF-CENTRAL MAIL AND SUPPLY:		
(a) Administrative Support Services Program		4,586,954
SOURCE OF FUNDS:		
(1) Mail and Supply Revolving Fund	4,586,954	
Total Department of Finance-Central Mail and Supply	4,586,954	4,586,954
49. FINANCE, DEPARTMENT OF-MOTOR POOL:		
(a) Administrative Support Services Program		1,794,828
SOURCE OF FUNDS:		
(1) Motor Pool Revolving Fund	1,794,828	
Total Department of Finance-Motor Pool	1,794,828	1,794,828
50. FINANCE, DEPARTMENT OF-PRINTING AND PUBLICATIONS:		
(a) Administrative Support Services Program		4,542,084
SOURCE OF FUNDS:		
(1) Printing and Publications Revolving Fund	4,542,084	
Total Department of Finance-Printing and Publications	4,542,084	4,542,084
51. FINANCE, DEPARTMENT OF-TELEPHONE REVOLVING FUND:		
(a) Administrative Support Services Program		9,455,305
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	2,211,105	

(2) Telephone Revolving Fund		7,244,200	
Total Department of Finance-Telephone Revolving Fund	2,211,105	7,244,200	9,455,305

52. FINANCE, DEPARTMENT OF- DSMD SUPERCOMPUTER FUND:

(a) Administrative Support Services Program			1,000,000
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The above appropriation is for the maintenance and operation of the Supercomputer.

SOURCE OF FUNDS:

(1) Collections from state agencies and other entities		1,000,000	
Total Department of Finance-DSMD Supercomputer Fund		1,000,000	1,000,000

53. FOREIGN TRADE RELATIONS COMMISSION:

(a) Special Services Program			100,000
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SOURCE OF FUNDS:

(1) State General Fund	100,000		
Total Foreign Trade Relations Commission	100,000		100,000

54. FORENSIC SCIENCES, DEPARTMENT OF:

(a) Forensic Science Services Program			5,836,974
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Of the above appropriation, \$200,000 shall be used to purchase DNA testing equipment, supplies, personnel costs, and training for the use of such equipment.

(b) Capital Outlay			191,444
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For the completion of an autopsy and morgue facility in Montgomery, Alabama.

SOURCE OF FUNDS:

(1) State General Fund	5,679,501		
(2) Capital Outlay	191,444		
(3) Federal, Local and Miscellaneous Funds		157,473	

Total Department of Forensic Sciences	5,870,945	157,473	6,028,418
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55. FORESTERS, ALABAMA
STATE BOARD OF REGISTRATION FOR:

(a) Professional and Occupational Licensing and Regulation Program			24,500
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SOURCE OF FUNDS:

(1) Professional Foresters' Fund		24,500	
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As provided in Section 34-12-36, Code of Alabama 1975.

Total Alabama State Board of Registration for Foresters		24,500	24,500
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56. FORESTRY COMMISSION, ALABAMA:

(a) Forest Resources Protection Program			15,368,431
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(b) Forest Resources Development Program			3,981,028
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(c) Administrative Services Program			2,733,480
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	12,075,500		
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(2) Federal and Local Funds		2,801,625	
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(3) Forestry Commission Fund		7,205,814	
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Of the above appropriation, at least \$2,668,000 shall be used for rural and community fire protection.

Total Alabama Forestry Commission	12,075,500	10,007,439	22,082,939
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In addition to the above appropriation to the Alabama Forestry Commission, there is hereby conditionally appropriated \$400,000 for capital outlay from the Alabama Forestry Commission Fund contingent on the satisfactory sale of certain present property where the Birmingham District Headquarters is located in Jefferson County. The proceeds from said sale shall be covered into the Alabama Forestry Commission Fund. The above conditional appropriation shall be used to purchase land, building(s), and/or construction of building(s) in order to relocate the Birmingham District Headquarters. This conditional appropriation shall become absolute when said sale is

concluded, recommended by the Finance Director and approved by the Governor.

57. FUNERAL SERVICE, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program 128,000

SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund 128,000

As provided in Section 34-13-23, Code of Alabama 1975.

Total Alabama Board of Funeral Service	128,000	128,000
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58. GEOLOGICAL SURVEY:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program 2,647,514

SOURCE OF FUNDS:

(1) State General Fund 2,068,645

(2) Federal, Local and Miscellaneous Funds 578,869

Total Geological Survey	2,068,645	578,869	2,647,514
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59. GORGAS MEMORIAL BOARD:

(a) Historical Resources Management Program 5,000

SOURCE OF FUNDS:

(1) State General Fund 5,000

As provided in Section 41-9-220, Code of Alabama 1975, and an additional amount.

Total Gorgas Memorial Board	5,000	5,000
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60. GOVERNOR'S MANSION ADVISORY BOARD:

(a) Historical Resources Management Program 9,073

(b) Capital Outlay Program 250,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer 259,073

Total Governor's Mansion Advisory Board	259,073	259,073
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61. GOVERNOR'S MANSION AND COASTAL MANSION:

(a) Executive Direction Program 181,450

SOURCE OF FUNDS:

(1) State General Fund-Transfer	181,450	
Total Governor's Mansion and Coastal Mansion	181,450	181,450

62. GOVERNOR'S OFFICE:

(a) Executive Direction Program		1,461,150
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SOURCE OF FUNDS:

(1) State General Fund	1,461,150	
Total Governor's Office	1,461,150	1,461,150

63. GOVERNOR'S OFFICE ON VOLUNTEERISM:

(a) Executive Direction Program		85,413
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SOURCE OF FUNDS:

(1) State General Fund	85,413	
Total Governor's Office on Volunteerism	85,413	85,413

64. HEALTH, DEPARTMENT OF PUBLIC:

(a) Personal Health Improvement Program		64,630,465
(b) Health Support Services Program		43,004,001

Of the amount appropriated to support local health department services, \$4,020,000 shall be used to provide a minimum staff in each of the 67 counties, and the remaining shall be allocated to the counties on the basis of need and a match formula to be determined by the Department.

(c) Administrative Services Program		7,882,513
(d) Industrial Health Services Program		254,000
(e) Perinatal and Related SOBRA Services Program		10,400,000

SOURCE OF FUNDS:

(1) State General Fund	26,051,363	
(2) Cigarette Tax-\$0.01 and \$0.02		4,000,000
As provided in Section 40-25-2 and Section 40-25-23, <u>Code of Alabama 1975</u> .		
(3) Vital Statistics Fund		1,381,254
(4) Hospital Licensing Fund		235,000
(5) Emergency Medical Services Fund		50,000

As provided in Section 22-18-4, Code of Alabama 1975.

(6) Local Health Departments	20,880,748		
(7) Nuclear Monitoring Fund	139,000		
(8) Radiation Safety Fund	100,000		
(9) Miscellaneous Funds	9,845,514		
(10) Federal Funds	57,088,100		
(11) Transfer from ABC Board	4,000,000		
(12) Miscellaneous Funds-SOBRA Program	2,400,000		
Total Department of Public Health	26,051,363	100,119,616	126,170,979

65. HEALTH PLANNING
AGENCY, STATE:

(a) Health Planning, Development and Regulation Program			654,797
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	304,797		
(2) Certificate of Need Fees		300,000	
(3) Federal, Local and Miscellaneous Funds		50,000	
Total State Health Planning Agency ..	304,797	350,000	654,797

66. HEARING AID DEALERS,
ALABAMA BOARD OF:

(a) Professional and Occupational Li- censing and Regulation Program			40,000
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SOURCE OF FUNDS:

(1) State Board of Health-Hearing Aid Fund		40,000	
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As provided in Section 34-14-33, Code of Alabama 1975.

Total Alabama Board of Hearing Aid Dealers		40,000	40,000
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67. HEATING AND AIR CONDI-
TIONING CONTRACTORS,
BOARD OF:

(a) Professional and Occupational Li- censing and Regulation Program			133,301
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SOURCE OF FUNDS:

(1) Heating and Air Conditioning Contractors Fund		133,301	
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Total Board of Heating and Air Con- ditioning Contractors		133,301	133,301
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68. HERITAGE TRUST FUND,
ALABAMA:

(a) Fiscal Management Program			20,000
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SOURCE OF FUNDS:

(1) Heritage Trust Income	20,000	
Total Alabama Heritage Trust Fund ..	20,000	20,000

69. HIGHWAY DEPARTMENT:

(a) Central Administration Program	10,706,273
(b) Division and District Supervision Program	19,224,843
(c) Operations and Support Services Program	7,972,800
(d) Maintenance Program	131,438,043
(e) Non-Programmatic Programs	108,842,333

Proposed Spending Plan for the above
(e) includes the following:

Debt Service 107,285,685

Equipment-Other than
Automotive 1,556,648

(f) Construction-Federal Aid
Program 335,308,070

Proposed Spending Plan for the above
(f) includes the following:

Federal Aid Matching 47,729,452

Non-Participating Work on Federal
Projects 1,000,000

Federal Aid 286,578,618

(g) Construction-State Program 20,000,000

(h) Operations-Land and Buildings ... 1,408,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer	71,500	
(2) Public Road and Bridge Fund		348,250,244
(3) Federal Aid		286,578,618

There is hereby appropriated, for payment of the principal of and the interest on all bonds theretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Authority, or Alabama Industrial Access Road and Bridge Corporation, a total of \$107,285,685 or so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment. The Highway Director with the consent of the Governor and the Finance Director shall

have the authority to transfer any appropriation or any portion thereof between and among Subsections (a), (b), (c), (d), (e), (f), (g), (h), of this Section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable. In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

- (1) the appropriations made for Debt Service in Subsection (e) hereof shall be paid in full, (2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purposes referred to in Subsections (a), (b), (c), (d), (e), (f), (g), (h) except for Debt Service, hereof shall be allocated among the purposes referred to in said Subsections in such order and with such priorities as the State Highway Director shall from time to time direct. The funds appropriated in Subsection (f) hereof, for the matching Federal Funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made. In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available.

Total Highway Department	71,500	634,828,862	634,900,362
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In addition to the above appropriation to the Highway Department, there is hereby appropriated the sum of \$350,000 from any sources available to the Highway Department as the state match for additional federal mass transit funds, to purchase capital equipment (rolling stock) for the state mass transportation program, and for an insurance and/or self-insurance program to be administered

by the State Highway Department.
Of the above appropriation to the
Highway Department an amount up
to \$140,000 is to be used to solve any
state right-of-way problem involving
fraternal organizations.

70. HISTORIC BLAKELEY AU-
THORITY:

(a) Tourism and Travel Promotion Program	190,150
(b) Capital Outlay	100,000

SOURCE OF FUNDS:

(1) State General Fund	290,150	
Total Historic Blakeley Authority	290,150	290,150

71. HISTORIC CHATTAHOOCHEE COMMISSION:

(a) Historical Resources Management Program	98,200
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SOURCE OF FUNDS:

(1) State General Fund	98,200	
Total Historic Chattahoochee Commission	98,200	98,200

72. HISTORICAL COMMISSION,
ALABAMA:

(a) Historical Resources Management Program	2,309,566
(b) Historical Resources Management Program-Capital Outlay	80,841
(c) Historical Preservation Projects ...	902,540

SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,483,914
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The State General Fund appropriation
shall include the following:

Historical Commission,
Alabama

246,840

Historical Commission, Alabama-John
T. Morgan House, Selma

11,460

Historical Commission, Alabama-
Cahaba

150,000

Historical Commission, La
Grange

7,774

(2) State General Fund-Transfer- Capital Outlay	80,841
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(3) State General Fund-Transfer- Historical Preservation Projects	902,540
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(4) Federal, Local and Miscellaneous Funds		825,652	
Total Alabama Historical Commission	2,467,295	825,652	3,292,947

As provided in Act No. 87-749, in addition to the amounts appropriated hereinabove to the Alabama Historical Commission, there is hereby appropriated the proceeds from the sale of 1945 legislative desks and chairs for the cost of reproduction furniture to be used in the restoration of the Alabama State Capitol.

73. HUMAN RESOURCES, DEPARTMENT OF:

(a) Human Services Program	277,711,274
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It is the intent of the Legislature that allotments be made to the County Departments of Human Resources in the amount of \$165,500 to fund, upon approval of the county department director, supplemental client services not otherwise provided for through existing programs of the Department of Human Resources. Allotments to the county departments based on the counties' populations according to the 1980 census are as follows: county populations greater than 50,000, \$3,500; county populations less than 50,000, \$2,000.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	9,677,666
(2) State General Fund-Transfer-Additional Day Care Slots	1,500,000
(3) State General Fund-Transfer-Group Homes	1,000,000
(4) Federal, Local and Miscellaneous Funds	185,874,156
(5) ABC Profits	1,070,000
(6) Whiskey Tax	21,100,000
(7) Beer Tax	8,100,000
(8) Pension Residue	14,000,000
(9) Sales Tax	1,322,000
(10) Franchise Tax	13,600,000
(11) Child Support Collections	3,127,097
(12) Sales Tax for Food Stamps	11,090,355
(13) Cigarette Tax	4,375,000

(14) Contractor's Gross Receipts Tax	1,875,000		
Total Department of Human Resources	12,177,666	265,533,608	277,711,274

It is the intent of the Legislature that two-thirds of the state's present and future client slots for the program known as the "Medicaid Waiver Services Program-Home and Community-Based Waiver for the Elderly and Disabled" be served by the Department of Human Resources. The Department of Human Resources may contract with other agencies, specifically including the State Department of Public Health, to provide the services under the Medicaid Waiver Services Program.

74. INDIAN AFFAIRS COMMISSION, ALABAMA:

(a) Social Services Program	152,560
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The above appropriation is to be expended in accordance with Sections 41-9-708 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund	152,560	
Total Alabama Indian Affairs Commission	152,560	152,560

75. INDUSTRIAL DEVELOPMENT AUTHORITY, STATE:

(a) Industrial Development Program	76,100
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SOURCE OF FUNDS:

(1) SIDA Application Fees Fund	76,100	
Total State Industrial Development Authority	76,100	76,100

76. INDUSTRIAL RELATIONS, DEPARTMENT OF:

(a) Unemployment Compensation Program	16,788,976
(b) Skills Enhancement and Employment Opportunities Program	19,219,009
(c) Industrial Safety and Accident Prevention Program	4,648,746
(d) Administrative Services Program	8,451,718
(e) Workmen's Compensation Program	573,764

SOURCE OF FUNDS:

(1) State General Fund	1,159,337		
(2) Federal, Local and Miscellaneous Funds		48,522,876	
Total Department of Industrial Relations	1,159,337	48,522,876	49,682,213

77. INSURANCE, DEPARTMENT
OF:

(a) Regulatory Services Program			2,365,123
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SOURCE OF FUNDS:

(1) State General Fund	1,254,670		
(2) Fire Marshal's Fund		136,844	

As provided in Section 24-5-10, Code of Alabama 1975. Any balance in excess of \$50,000 at the end of the fiscal year shall be transferred to the State General Fund.

(3) Examination Revolving Fund		973,609	
Total Department of Insurance	1,254,670	1,110,453	2,365,123

Of the above appropriation to the Department of Insurance, \$50,000 is hereby appropriated for advance newspaper publication of rate filings prior to any hearing or other determination by the Commissioner.

78. INSURANCE BOARD, STATE
EMPLOYEES':

(a) Administrative Support Services Program			350,000
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SOURCE OF FUNDS:

(1) State Employees' Insurance Board Expense Fund		350,000	
Total State Employees' Insurance Board		350,000	350,000

79. INTERIOR DESIGNERS, ALA-
BAMA STATE BOARD OF REG-
ISTRATION FOR:

(a) Professional and Occupational Li- censing and Regulation Program			5,700
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SOURCE OF FUNDS:

(1) Interior Designers Fund		5,700	
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As provided in Section 34-15A-7, Code of Alabama 1975.

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Total Alabama State Board of Registration for Interior Designers	5,700	5,700
80. LABOR, DEPARTMENT OF:		
(a) Regulatory Services Program		354,802
SOURCE OF FUNDS:		
(1) State General Fund	304,802	
(2) Federal, Local and Miscellaneous Funds	50,000	
Total Department of Labor	304,802	354,802
81. LANDSCAPE ARCHITECTS, BOARD OF EXAMINERS FOR:		
(a) Professional and Occupational Licensing and Regulation Program		18,525
SOURCE OF FUNDS:		
(1) Landscape Architects Fund	18,525	
As provided in Section 34-17-6, <u>Code of Alabama 1975</u> .		
Total Board of Examiners of Landscape Architects	18,525	18,525
82. LIEUTENANT GOVERNOR, OFFICE OF THE:		
(a) Legislative Operations and Support Program		440,156
SOURCE OF FUNDS:		
(1) State General Fund	440,156	
Total office of the Lieutenant Governor	440,156	440,156
83. LIQUEFIED PETROLEUM GAS BOARD:		
(a) Regulatory Services Program		342,000
SOURCE OF FUNDS:		
(1) Liquefied Petroleum Gas Board Fund	342,000	
Total Liquefied Petroleum Gas Board	342,000	342,000
84. MANUFACTURED HOUSING COMMISSION, ALABAMA:		
(a) Regulatory Services Program		494,921
SOURCE OF FUNDS:		
(1) Alabama Manufactured Housing Commission Fund	494,921	
As provided in Section 24-6-4, <u>Code of Alabama 1975</u> .		

Total Alabama Manufactured Housing Commission	494,921	494,921
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85. MEDICAID AGENCY, ALA- BAMA:

(a) Medical Assistance Through Medi- icaid Program	512,958,090
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It is the intent of the Legislature that of the above appropriation, which includes \$22,489,144 for SOBRA, Medicaid eligibility shall be extended to include, to the fullest extent possible, pregnant women and children up to 1 year of age who have incomes at or below 100% of the federal poverty level. It is the further intent of the Legislature that the provisions of the state's SOBRA program will include raising to a minimum of 80% of the physician's reimbursement level the reimbursement for certified midwives for deliveries under Medicaid. Also, it is the intent of the Legislature that the state's SOBRA program provide for physician reimbursement for deliveries at minimum per patient which is above the national Medicaid average adjusted annually for global delivery fee and that such fee be reviewed periodically by the Alabama Medicaid Agency to insure the rate structure provides access for prenatal care. In addition, the Legislature intends that SOBRA provisions include reimbursement to pediatricians who attend a high-risk Medicaid covered delivery. The Legislature intends that SOBRA provisions in the State allow pregnant women, who are determined to be eligible for Medicaid through SOBRA, remain eligible throughout their pregnancy, that an assets test shall not be required in making a determination of eligibility for such program, and that all providers designated under Public Law 99-509 (SOBRA) may be certifiers of presumptive eligibility for Medicaid which will insure that the eligible State population have access for said services.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	103,691,913		
(2) State General Fund-Transfer-SOBRA	1,049,572		
(3) Transfer from ABC Board-SOBRA		5,000,000	
(4) Transfer from Department of Human Resources		3,824,175	
(5) Transfer from Mental Health		19,050,250	
(6) Transfer from Commission On Aging		1,770,580	
(7) Federal, Local and Miscellaneous Funds		378,571,600	
Total Alabama Medicaid Agency	104,741,485	408,216,605	512,958,090

86. MEN'S HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program			5,000
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SOURCE OF FUNDS:

(1) State General Fund	5,000		
Total Alabama Men's Hall of Fame	5,000		5,000

87. MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF:

(a) Institutional Treatment and Care-Mental Illness Program	84,864,025
(b) Institutional Treatment and Care-Mental Retardation Program	65,593,752
(c) Institutional Treatment and Care-Criminally Insane Program	5,384,765
(d) Administrative Services Program	5,308,394
(e) Community Services Program	58,342,197

Of the above appropriation, \$1,000,000 shall be expended for new and expanded residential drug treatment services. It is further provided, however, that no reduction in funding for existing community services shall be made to provide for said drug treatment services.

(f) Community Work Centers	1,000,000
(g) Agency Administration Program ..	696,899

SOURCE OF FUNDS:

(1) State General Fund-Transfer	59,224,627
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(2) Special Mental Health Trust Fund	85,844,000		
For operations and maintenance of the State Mental Health and Mental Retardation Department and the Mental Health and Mental Retardation Community Programs, including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama state hospitals.			
(3) Transfer from ABC Profits	1,000,000		
(4) Cigarette Tax	6,800,000		
(5) Federal, Local and Miscellaneous Funds	68,321,405		
Total Department of Mental Health and Mental Retardation	59,224,627	161,965,405	221,190,032
88. MILITARY DEPARTMENT:			
(a) Military Operations Program		5,432,307	
(b) Capital Outlay		250,000	
SOURCE OF FUNDS:			
(1) State General Fund-Operations	1,682,657		
(2) State General Fund-Quarterly Allowances Headquarters	1,363,800		
Regular Allowance Units to be used solely for operating expenses; provided, that no more than \$4,500 shall be allotted in any fiscal year for the Alabama National Guard Headquarters.			
(3) State General Fund-Transfer-Capital Outlay for Architect and Engineering Services, specifications repair and construction of facilities	250,000		
The above appropriation shall include funding for asbestos removal at the Fort Whiting Armory.			
(4) State General Fund-Active Military Service	75,000		
(5) State General Fund-Transfer to Armory Commission	2,300,000		
(6) State General Fund-Dropping Allowance	4,500		
(7) State General Fund-State Defense Force	6,350		

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Total Military Department	5,682,307	5,682,307
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89. MILITARY DEPARTMENT-
ARMORY COMMISSION OF
ALABAMA:

(a) Military Operations Program		4,399,765
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SOURCE OF FUNDS:

(1) Transfer from Military Department	2,300,000	
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(2) Federal, Local and Miscellaneous Funds	2,099,765	
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The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of facilities; provided, however, that the last federal government service contract reimbursement shall not revert to the State General Fund, and any unobligated balance remaining thereof in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.

Total Armory Commission of Alabama	4,399,765	4,399,765
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90. MOTOR SPORTS HALL OF
FAME:

(a) Tourism and Travel Promotion Program		50,000
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SOURCE OF FUNDS:

(1) State General Fund	50,000	
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Total Motor Sports Hall of Fame	50,000	50,000
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91. MUSIC HALL OF FAME, ALA-
BAMA:

(a) Fine Arts Program		120,354
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SOURCE OF FUNDS:

(1) State General Fund	120,354	
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Total Alabama Music Hall of Fame	120,354	120,354
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92. NURSING, ALABAMA BOARD
OF:

(a) Professional and Occupational Li- censing and Regulation Program		1,052,160
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SOURCE OF FUNDS:

(1) Alabama Board of Nursing Trust Fund-as provided in Code of Ala- bama 1975, as amended, Sections 34- 21-1 through 34-21-43	1,052,160	
Total Alabama Board of Nursing	1,052,160	1,052,160

93. NURSING HOME ADMINIS-
TRATORS, BOARD OF EXAM-
INERS OF:

(a) Professional and Occupational Li- censing and Regulation Program		48,000
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SOURCE OF FUNDS:

(1) Board of Examiners of Nursing Home Administrators Fund	48,000	
As provided in Section 34-20-7, <u>Code</u> <u>of Alabama 1975.</u>		
Total Board of Examiners of Nursing Home Administrators	48,000	48,000

94. OIL AND GAS BOARD:

(a) Management and Regulation of Oil and Gas Exploration and Develop- ment Program		2,305,833
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SOURCE OF FUNDS:

(1) State General Fund	2,195,833	
(2) Oil and Gas Board Special Fund ..	100,000	
(2) Federal, Local and Miscellaneous Funds	10,000	
Total Oil and Gas Board	2,195,833	2,305,833

95. PARDONS AND PAROLES,
BOARD OF:

(a) Administration of Pardons and Paroles Program		10,397,715
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SOURCE OF FUNDS:

(1) State General Fund	7,381,995	
(2) Probationers Upkeep Fund	2,878,050	
In accordance with Section 15-22-2, <u>Code of Alabama 1975.</u>		
(3) Miscellaneous Funds	137,670	
Total Board of Pardons and Paroles ...	7,381,995	3,015,720
		10,397,715

96. PEACE OFFICERS' ANNUITY
AND BENEFIT FUND, ALA-
BAMA:

(a) Retirement Systems Program		266,990
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SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Ben- efit Fund	266,990	
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As provided in Section 36-21-66, Code of Alabama 1975.

Total Alabama Peace Officers' Annuity and Benefit Fund	266,990	266,990
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97. PERSONNEL DEPARTMENT,
STATE:

(a) Administrative Support Services Program		2,893,827
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SOURCE OF FUNDS:

Transfers to the State Personnel Department shall be as follows:

(1) Board of Public Accountancy	287	
(2) Department of Aeronautics	479	
(3) Commission on Aging	1,915	
(4) Department of Agriculture and Industries	44,290	
(5) Agricultural Center Board	1,819	
(6) Alcoholic Beverage Control Board	88,054	
(7) Board of Registration for Architects	144	
(8) Archives and History	4,644	
(9) State Council on the Arts	1,006	
(10) Attorney General's Office	13,646	
(11) State Auditor	2,059	
(12) State Banking Department	4,980	
(13) Building Commission	2,155	
(14) Child Abuse and Neglect Prevention Board	192	
(15) Chiropractic Examiners	96	
(16) Department of Conservation and Natural Resources	100,934	
(17) State Licensing Board for General Contractors	527	
(18) Department of Corrections	264,688	
(19) Board of Cosmetology	862	
(20) Credit Union Administration	527	
(21) Alabama Crime Victims Compensation Commission	622	
(22) Criminal Justice Information Center	6,033	
(23) Alabama Development Office	3,208	
(24) State Docks	46,541	
(25) Department of Economic and Community Affairs	29,878	

(26) Department of Education	128,322
(27) Electrical Contractors Board	48
(28) Emergency Management Agency	3,687
(29) Local Emergency Management ..	5,000
(30) Board of Registration for Profes- sional Engineers and Land Surveyors	431
(31) Department of Environmental Management	22,265
(32) Ethics Commission	575
(33) Examiners of Public Accounts	20,110
(34) Farmers' Market Authority	239
(35) Finance Department	45,679
(36) Finance-Alabama Building Authority	2,681
(37) Finance-Alabama Building Fi- nance Authority	1,819
(38) Firefighters' Personnel Standards and Education Commission	383
(39) Foreign Trade Relations Commission	144
(40) Department of Forensic Sciences	10,869
(41) Forestry Commission	39,742
(42) Funeral Services	144
(43) Governor's Office	3,112
(44) Department of Public Health	209,960
(45) Board of Heating and Air Con- ditioning Contractors	192
(46) Highway Department	359,972
(47) Alabama Historical Commission	5,794
(48) Housing Finance Authority	239
(49) Department of Human Resources	373,953
(50) Alabama Indian Affairs Commission	144
(51) Department of Industrial Relations	162,318
(52) Insurance Department	5,315
(53) Judicial Inquiry Commission	48
(54) Department of Labor	766
(55) Legislative Reference Service	575
(56) Liquefied Petroleum Gas Board	622
(57) Manufactured Housing Commission	383

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(58) Alabama Medicaid Agency	26,861	
(59) Department of Mental Health and Mental Retardation	448,936	
(60) Military Department	17,285	
(61) Board of Nursing	1,580	
(62) Board of Examiners of Nursing Home Administrators	48	
(63) Oil and Gas Board	10,294	
(64) Pardons and Paroles	26,718	
(65) Peace Officers' Annuity and Ben- efit Fund	239	
(66) Peace Officers' Standards and Training Commission	335	
(67) Physical Fitness Commission	575	
(68) Board of Physical Therapy	48	
(69) Board of Polygraph Examiners ..	96	
(70) Public Library Service	5,698	
(71) Department of Public Safety	118,458	
(72) Public Service Commission	13,119	
(73) Alabama Educational Television Commission	7,757	
(74) Real Estate Commission	1,484	
(75) Retirement Systems	11,396	
(76) Department of Revenue	113,000	
(77) Secretary of State	2,442	
(78) Securities Commission	2,011	
(79) Board of Social Work Examiners	96	
(80) Soil and Water Conservation	335	
(81) Surface Mining Commission	4,788	
(82) Bureau of Tourism and Travel ...	6,799	
(83) State Treasurer	4,070	
(84) Department of Veterans' Affairs	5,937	
(85) Board of Veterinary Medical Examiners	96	
(86) Department of Youth Services ...	36,725	
(87) State Health Planning Agency ...	1,484	
Total State Personnel Department	2,893,827	2,893,827
99. PHYSICAL THERAPY, BOARD OF:		
(a) Professional and Occupational Li- censing and Regulation Program		72,435
SOURCE OF FUNDS:		
(1) Physical Therapist Fund	72,435	

As provided in Section 34-24-195, Code of Alabama 1975.

Total Board of Physical Therapy	72,435	72,435
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100. PLUMBERS AND GAS FITTERS EXAMINING BOARD, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program		249,480
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SOURCE OF FUNDS:

(1) Board of Plumbers and Gas Fitters Examiners Fund	249,480	
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Total Alabama Plumbers and Gas Fitters Examining Board	249,480	249,480
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101. POLYGRAPH EXAMINERS, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program		30,000
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SOURCE OF FUNDS:

(1) Board of Polygraph Examiners Fund	30,000	
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As provided in Section 34-25-5, Code of Alabama 1975.

Total Board of Polygraph Examiners	30,000	30,000
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102. PROSECUTION SERVICES, OFFICE OF:

(a) Prosecution, Training, Education and Management Program		1,287,427
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	360,589	
(2) Office of Prosecution Services Fund	926,838	

Total Office of Prosecution Services ...	360,589	926,838	1,287,427
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103. PSYCHOLOGY, ALABAMA BOARD OF EXAMINERS IN:

(a) Professional and Occupational Licensing and Regulation Program		45,430
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SOURCE OF FUNDS:

(1) Board of Examiners in Psychology Fund	45,430	
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As provided in Section 34-26-43, Code of Alabama 1975.

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Total Alabama Board of Examiners in Psychology	45,430	45,430
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104. PUBLIC SAFETY, DEPARTMENT OF:

(a) Traffic Control and Accident Prevention Program		16,109,831
(b) Criminal Investigation Program ...		4,685,923
(c) Driver's Licensing and Improvement Program		10,273,240
(d) Public Safety Support Services Program		7,592,294
(e) Administrative Services Program		4,899,971
(f) Alabama Criminal Justice Training Center Program		1,924,821

SOURCE OF FUNDS:

(1) State General Fund	45,486,080	
Total Department of Public Safety	45,486,080	45,486,080

105. PUBLIC SERVICE COMMISSION:

(a) Regulatory Services Program		5,649,101
(b) Administrative Services Program		1,842,134
(c) Transfer to Legislature		100,000

SOURCE OF FUNDS:

(1) Public Service Commission Fund	6,973,235	
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The above amount shall include \$100,000 to be transferred from the Public Service Commission Fund to the Legislature, authorized pursuant to the provisions of Section 29-1-22, Code of Alabama 1975.

The above appropriation to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such parts or percentages of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$600,000 shall be transferred to the State General Fund.

(2) Gas Pipeline Safety Fund	386,000	
(3) Federal and Miscellaneous Funds	232,000	

Total Public Service Commission	7,591,235	7,591,235
<hr/>		
106. REAL ESTATE COMMISSION, ALABAMA:		
(a) Professional and Occupational Licensing and Regulation Program		1,029,034
(b) Capital Outlay		400,000
SOURCE OF FUNDS:		
(1) Alabama Real Estate Commission Fund	1,429,034	
As provided in Section 34-27-4, <u>Code of Alabama 1975</u> and the total expenditures shall in no manner exceed the amounts hereby appropriated.		
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Total Alabama Real Estate Commission	1,429,034	1,429,034
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107. REVENUE, DEPARTMENT OF:		
(a) State Revenue Administration Program		49,671,690
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	250,000	
As provided in Section 40-7-70, <u>Code of Alabama 1975</u> , to maintain a program for the equalization of ad valorem tax assessments.		
(2) State General Fund-Board of Equalization	124,985	
(3) Ad Valorem Equalization Fund		220,115
(4) Transfers from the proceeds of the following:		
(a) Cigarette Tax Collections		888,224
As provided in Section 40-25-27, <u>Code of Alabama 1975</u> .		
(b) Financial Institution Excise Tax Collections		230,198
(c) Forest Severance Tax Collections		84,784
(d) Gasoline Tax Collections		4,030,552
(e) Income Tax Collections		13,678,883
(f) Motor Fuel Tax Collections		840,032
(g) Motor Vehicle License Collections		1,821,412
(h) Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax		557,337

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(i) Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax	1,373,134
(j) Sales Tax Collections	12,067,459
(k) Tobacco Tax Collections	36,353
(l) Use Tax Collections	1,320,637
(m) Utility Tax Collections	2,932,060
(5) Local Funds	6,000,442
(6) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags	2,365,083
(7) Inspection fees for restored vehicles	750,000

As provided in Section 32-8-87, Code of Alabama 1975.

(8) Revenue Administration Fund-Transfer from Abandoned Property Trust Fund as provided in Section 35-12-39, <u>Code of Alabama 1975</u>	100,000
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The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law. Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

Total Department of Revenue	374,985	49,296,705	49,671,690
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108. SECRETARY OF STATE:

(a) Administrative Support Services Program	1,157,627
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SOURCE OF FUNDS:

(1) State General Fund	778,627		
(2) UCC and Farm Indexing Fund		379,000	
Total Secretary of State	778,627	379,000	1,157,627

109. SECURITIES COMMISSION:

(a) Regulatory Services Program	817,228
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SOURCE OF FUNDS:

(1) State General Fund	469,489
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(2) Industrial Revenue Bond Notification Fund	220,190		
(3) Sale of Checks License Fund	7,781		
(4) Exemption Fund	119,768		
Total Securities Commission	469,489	347,739	817,228
110. SENIOR CITIZENS HALL OF FAME, ALABAMA:			
(a) Historical Resources Management Program			22,681
SOURCE OF FUNDS:			
(1) State General Fund	22,681		
Total Alabama Senior Citizens Hall of Fame	22,681		22,681
111. SOCIAL WORK EXAMINERS, ALABAMA STATE BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			61,888
SOURCE OF FUNDS:			
(1) Alabama State Board of Social Work Examiners Fund	61,888		
As provided in Section 34-30-6, <u>Code of Alabama 1975</u> .			
Total Alabama State Board of Social Work Examiners	61,888		61,888
112. SOIL AND WATER CONSERVATION COMMITTEE, STATE:			
(a) Water Resource Development Program			1,208,381
(b) Professional and Occupational Licensing and Regulation Program			4,000
SOURCE OF FUNDS:			
(1) State General Fund	1,178,381		
(2) Soil Classifiers Fund		4,000	
As provided in Section 34-32-19, <u>Code of Alabama 1975</u> .			
(3) Transfer from Agricultural and Conservation Development Commission		30,000	
Total State Soil and Water Conservation Committee	1,178,381	34,000	1,212,381
113. SOUTHERN GROWTH POLICIES BOARD:			
(a) Special Services Program			27,830

SOURCE OF FUNDS:

(1) State General Fund	27,830	
Total Southern Growth Policies Board	27,830	27,830

114. SPORTS HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program		140,000
(b) Capital Outlay		350,000

SOURCE OF FUNDS:

(1) State General Fund	490,000	
Total Alabama Sports Hall of Fame ...	490,000	490,000

115. SPEECH PATHOLOGY AND AUDIOLOGY, ALABAMA BOARD OF EXAMINERS FOR:

(a) Professional and Occupational Licensing and Regulation Program		28,270
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SOURCE OF FUNDS:

(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund	28,270	
As provided in Section 34-28A-44, <u>Code of Alabama 1975</u> .		
Total Alabama Board of Examiners for Speech Pathology and Audiology	28,270	28,270

116. SURFACE MINING COMMISSION, ALABAMA:

(a) Industrial Safety and Accident Prevention Program		5,239,079
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	450,000	
(2) Surface Mining Commission Fund	4,789,079	
As provided by Section 9-16-103, <u>Code of Alabama 1975</u> . All fees and charges, grants, gifts, fines, bond forfeitures or other monies received under the above act, in addition to the appropriation herein made, are appropriated to the Surface Mining Commission.		
Total Alabama Surface Mining Commission	450,000	4,789,079
		5,239,079

117. TANNEHILL FURNACE AND FOUNDRY COMMISSION:

(a) Historical Resources Management Program		271,392
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SOURCE OF FUNDS:

(1) State General Fund	271,392		
Total Tannehill Furnace and Foundry Commission	271,392		271,392

118. TENNESSEE-TOMBIGBEE
WATERWAY DEVELOPMENT
AUTHORITY:

(a) Water Resource Development Program			101,000
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SOURCE OF FUNDS:

(1) State General Fund	101,000		
Total Tennessee-Tombigbee Waterway Development Authority	101,000		101,000

119. TENNESSEE VALLEY EX-
HIBIT COMMISSION OF ALA-
BAMA:

(a) Promotional Development Program			372,241
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To be expended in accordance with Sections 41-9-780 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	70,766		
(2) Federal, Local and Miscellaneous Funds		301,475	
Total Tennessee Valley Exhibit Commission of Alabama	70,766	301,475	372,241

120. TOURISM AND TRAVEL,
BUREAU OF:

(a) Tourism and Travel Promotion Program			4,436,999
(b) Grants and Benefits Program			915,000

Of the above appropriation, \$50,000 shall be transferred to the Cahaba Trace Commission.

(c) Alabama Reunion			300,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,061,638		
(2) Lodgings Tax (\$0.01)		3,590,361	
Receipts collected under the provisions of Section 40-26-1 et seq., <u>Code of Alabama 1975</u> .			
Total Bureau of Tourism and Travel	2,061,638	3,590,361	5,651,999

121. TREASURER, STATE:

(a) Fiscal Management Program			1,648,353
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SOURCE OF FUNDS:

(1) State General Fund	1,648,353	
Total State Treasurer	1,648,353	1,648,353

122. UNIFORM STATE LAWS,
ALABAMA COMMISSION ON:

(a) Special Services Program, Estimated		6,500
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SOURCE OF FUNDS:

(1) State General Fund	6,500	
As provided in Section 41-9-374, <u>Code of Alabama 1975</u> .		
Total Alabama Commission on Uni- form State Laws	6,500	6,500

123. VETERANS' AFFAIRS, DE-
PARTMENT OF:

(a) Administration of Veterans' Af- fairs Program		2,860,397
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SOURCE OF FUNDS:

(1) State General Fund	2,860,397	
Total Department of Veterans' Affairs	2,860,397	2,860,397

124. VETERINARY MEDICAL EX-
AMINERS, ALABAMA STATE
BOARD OF:

(a) Professional and Occupational Li- censing and Regulation Program		145,000
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SOURCE OF FUNDS:

(1) State Board of Veterinary Medical Examiners Fund	145,000	
As provided in Section 34-29-23 and Section 34-29-41, <u>Code of Alabama 1975</u> .		
Total Alabama State Board of Veteri- nary Medical Examiners	145,000	145,000

125. WOMEN'S COMMISSION,
ALABAMA:

(a) Employment and Social Oppor- tunities Program		9,980
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SOURCE OF FUNDS:

(1) State General Fund	9,980	
Total Alabama Women's Commission	9,980	9,980

126. WOMEN'S HALL OF FAME,
ALABAMA:

(a) Historical Resources Management Program		5,662
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SOURCE OF FUNDS:

(1) State General Fund	5,662	
Total Alabama Women's Hall of Fame	5,662	5,662

127. YOUTH SERVICES, DEPARTMENT OF:

(a) Juvenile Probation Officer's Subsidy		2,349,932
(b) Youth Services Program		1,909,310

The above appropriation shall be expended in accordance with the provision of the Code of Alabama 1975, as amended, Section 44-1-1 through 44-1-56.

SOURCE OF FUNDS:

(1) State General Fund-Juvenile Probation Officers Subsidy	2,349,932		
(2) State General Fund-Youth Services Program	617,977		
(3) Federal and Local Funds		1,291,333	
Total Department of Youth Services ..	2,967,909	1,291,333	4,259,242

128. LAW INSTITUTE, ALABAMA:

(a) Support of Other Educational Activities Program		293,622
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SOURCE OF FUNDS:

(1) State General Fund	293,622	
Total Alabama Law Institute	293,622	293,622

129. DEPARTMENT OF EDUCATION:

(a) Direct Client Services for the Handicapped/Projects-Vocational Rehabilitation/Crippled Children Services Program		2,030,000
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The General Fund monies included in the above program are to be distributed by the Department of Education as follows:

Homebound Program	2,000,000
Eye Injury Register	30,000

SOURCE OF FUNDS:

(1) State General Fund	2,030,000
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Total Department of Education	2,030,000	2,030,000
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130. SPACE SCIENCE EXHIBIT COMMISSION:

(a) Tourism and Travel Promotion Program		200,000
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SOURCE OF FUNDS:

(1) State General Fund	200,000	
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Total Space Science Exhibit Commission	200,000	200,000
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131. GOVERNOR'S CONTINGENCY FUND:

(a) Executive Direction Program		1,000,000
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SOURCE OF FUNDS:

(1) State General Fund	1,000,000	
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Total Governor's Contingency Fund ...	1,000,000	1,000,000
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The above appropriation to the Governor's Contingency Fund shall be expended solely for expenses directly related to the operation of the Governor's Office and the Governor's mansions.

132. SPECIAL INDUSTRIAL JOB TRAINING:

(a) Industrial Training Program		4,000,000
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This appropriation shall be administered by the Alabama Industrial Development Training Institute to provide training and/or training assistance. Of the above appropriation, \$2 million shall be used for the U.S. Air Force Standards Systems Center, Montgomery and \$350,000 shall be used for the Alabama Center for Quality and Productivity.

SOURCE OF FUNDS:

(1) State General Fund	4,000,000	
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Total Special Industrial Job Training	4,000,000	4,000,000
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2D. OTHER FUNCTIONS OF GOVERNMENT FUNDED FROM THE STATE GENERAL FUND:

1. ADVERTISING LANDS FOR TAX SALE:

(a) State Revenue Administration Program, Estimated		60,000
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SOURCE OF FUNDS:

(1) State General Fund	60,000	
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As provided in Section 40-10-22, Code of Alabama 1975.

Total Advertising Lands for Tax Sale	60,000	60,000
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2. ARREST OF ABSCONDING FELONS:

(a) Criminal Investigation Program, Estimated		65,000
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SOURCE OF FUNDS:

(1) State General Fund	65,000	
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As provided in Section 15-9-3, Code of Alabama 1975.

Total Arrest of Absconding Felons	65,000	65,000
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3. COSTS FOR REAPPORTIONMENT:

(a) Reapportionment Legal Advice and Legal Services Program, Estimated		50,000
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(b) Technical Services Related to Reapportionment		100,000
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SOURCE OF FUNDS:

(1) State General Fund	150,000	
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Total Costs for Reapportionment Program	150,000	150,000
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4. AUTOMATIC APPEAL EXPENSE:

(a) Legal Advice and Legal Services Program, Estimated		100
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SOURCE OF FUNDS:

(1) State General Fund	100	
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As provided in Section 12-22-150 and
Section 12-22-241, Code of Alabama 1975.

Total Automatic Appeal Expense	100	100
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5. CIVIL COURT COSTS IN CONNECTION WITH AD VALOREM TAX ASSESSMENTS APPEALS:

(a) State Revenue Administration Program, Estimated		200
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SOURCE OF FUNDS:

(1) State General Fund	200	
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As provided in Section 40-7-45, Code of Alabama 1975.

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Total Civil Court Costs in Connection with Ad Valorem Tax Assessments Appeals	200	200
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6. CONSUMER UTILITY RATE
HEARING:

(a) Executive Direction Program		250,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	250,000	
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As provided in Section 37-1-18 Code
of Alabama 1975.

Total Consumer Utility Rate Hearing	250,000	250,000
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7. COURT-ASSESSED COST NOT
OTHERWISE PROVIDED FOR:

(a) Legal advice and legal services program		1,000,000
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It is the intent of the Legislature that
the above appropriation be expended
for Court Costs to include costs of
depositions, witness fees, filing and
docket fees, court reporters, court
judgments, out-of-court settlements,
and other expenses ordered by the
court or normally identified as costs
of court when approved by the At-
torney General.

SOURCE OF FUNDS:

(1) State General Fund	1,000,000	
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Total Court-Assessed Cost Not Oth- erwise Provided For	1,000,000	1,000,000
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8. COURT COSTS-ACT NO. 558,
1957:

(a) Court Operations Program, Estimated		500
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SOURCE OF FUNDS:

(1) State General Fund	500	
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Pursuant to Act No. 558, 1957, page
777.

Total Court Costs-Act No. 558, 1957	500	500
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9. DISTRIBUTION OF PUBLIC
DOCUMENTS:

(a) Administrative Support Services Program, Estimated		80,000
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SOURCE OF FUNDS:

(1) State General Fund	80,000	
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As provided in Sections 41-21-8, 36-14-1, and 36-14-11, Code of Alabama 1975.

Total Distribution of Public Documents	80,000	80,000
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10. STATE DOCKS TRANSFER		3,500,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	3,500,000	
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The above appropriation to the State Docks shall be conditional upon the availability of funds and shall remain in the State General Fund until a demonstrated need is determined and recommended by the Finance Director and approved by the Governor.

Total State Docks Transfer	3,500,000	3,500,000
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11. ELECTION EXPENSES:

(a) Special Services Program, Estimated		1,978,897
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(b) Training of Election Officials, Estimated		65,000
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For payment of expenses pursuant to the court order entered by the U.S. District Court, Middle District of Alabama in Civil Action No. 84-T-595-N.

SOURCE OF FUNDS:

(1) State General Fund	2,043,897	
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As provided in Section 17-4-153, Code of Alabama 1975.

Total Election Expenses	2,043,897	2,043,897
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12. EMERGENCY FUND, DEPARTMENTAL:

(a) Special Services Program		1,500,000
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SOURCE OF FUNDS:

(1) State General Fund	1,500,000	
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This is the appropriation contemplated in Section 41-4-94, Code of Alabama 1975, and shall be the only amount appropriated and the total amount expended under the provisions of said section. This appropriation shall be expended solely for the purpose of addressing a financial emergency within a state department, board, commission, bureau, office, or agency. None of the above appropriation may

be transferred to the Governor's Contingency Fund.

None of the above appropriation may be used to fund any state department, fund, board, commission, bureau, office, or agency that has not been appropriated funds from any source under the provisions of this act.

Total Departmental Emergency Fund	1,500,000	1,500,000
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13. FEEDING OF PRISONERS:

(a) Institutional Services, Corrections Program, Estimated		3,000,000
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SOURCE OF FUNDS:

(1) State General Fund	3,000,000	
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For expenses of feeding prisoners in county jails in accordance with Section 14-6-42, Code of Alabama 1975.

Total Feeding of Prisoners	3,000,000	3,000,000
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15. DEPARTMENT OF FINANCE-EMPLOYEES' SUGGESTION AWARDS PROGRAM:

(a) Fiscal Management Program		15,000
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SOURCE OF FUNDS:

(1) State General Fund	15,000	
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In accordance with Section 36-1-7, Code of Alabama 1975.

Total Department of Finance-Employees' Suggestion Awards Program	15,000	15,000
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16. DEPARTMENT OF FINANCE-FEMA:

(a) Readiness and Recovery Program, Estimated		1,100,000
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Payments of the State's share of administrative costs and matching grants furnished by the Federal Emergency Management Agency.

SOURCE OF FUNDS:

(1) State General Fund	1,100,000	
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Total Department of Finance-FEMA	1,100,000	1,100,000
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17. FOREST FIRE FUND, EMERGENCY:

(a) Forest Resources Protection Program		180,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	180,000	
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As provided by Section 9-3-10.1, Code of Alabama 1975.

Total Emergency Forest Fire Fund	180,000	180,000
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18. GOVERNOR'S CONFERENCE,
NATIONAL:

(a) Executive Direction Program		135,760
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SOURCE OF FUNDS:

(1) State General Fund	135,760	
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Total National Governor's Conference	135,760	135,760
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19. GOVERNOR'S COUNCILLOR:

(a) Executive Direction Program, Estimated		26,000
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SOURCE OF FUNDS:

(1) State General Fund	26,000	
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As provided in Section 36-13-13, Code of Alabama 1975.

Total Governor's Councillor	26,000	26,000
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20. GOVERNOR'S PROCLAMA-
TION EXPENSES:

(a) Executive Direction Program, Estimated		200,000
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SOURCE OF FUNDS:

(1) State General Fund	200,000	
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As provided in Section 17-14-21, Code of Alabama 1975.

Total Governor's Proclamation Expenses	200,000	200,000
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21. GOVERNORS' WIDOWS RE-
TIREMENT:

(a) Executive Direction Program, Estimated		14,400
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SOURCE OF FUNDS:

(1) State General Fund	14,400	
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As provided in Section 36-13-12, Code of Alabama 1975.

Total Governors' Widows Retirement	14,400	14,400
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22. INTERPRETER'S ACCOUNT:

(a) Court Operations Program, Estimated		2,500
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SOURCE OF FUNDS:

(1) State General Fund	2,500	
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As provided in Sections 12-21-131 et seq., Code of Alabama 1975.

Total Interpreter's Account	2,500	2,500
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23. LAW ENFORCEMENT FUND:

(a) Criminal Investigation Program ...		2,500
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,500	
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As provided in Section 28-4-312, Code of Alabama 1975.

Total Law Enforcement Fund	2,500	2,500
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24. LAW ENFORCEMENT LEGAL DEFENSE:

(a) Legal Advice and Legal Services Program, Estimated		3,000
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SOURCE OF FUNDS:

(1) State General Fund	3,000	
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To carry out provisions of Section 36-21-1, Code of Alabama 1975.

Total Law Enforcement Legal Defense	3,000	3,000
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26. LIABILITY INSURANCE FUND, STATE

1,000,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,000,000	
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As provided in Section 36-1-6.1, Code of Alabama 1975.

Total State Liability Insurance Fund	1,000,000	1,000,000
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Of the above appropriation \$40,000 is hereby appropriated to the Liability Insurance Board for administrative expenses.

27. MAILING TAX NOTICES:

(a) State Revenue Administration Program, Estimated		100
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SOURCE OF FUNDS:

(1) State General Fund	100	
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As provided in Section 40-7-25, Code of Alabama 1975.

Total Mailing Tax Notices	100	100
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28. MILITARY-EMERGENCY ACTIVE DUTY PAY:

(a) Military Operations Program, Estimated		200,000
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SOURCE OF FUNDS:

(1) State General Fund	200,000	
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As provided in Section 31-2-85, Code of Alabama 1975.

Total Military-Emergency Active Duty Pay	200,000	200,000
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29. POLICEMAN'S SURVIVOR TUITION ACT:

(a) Support of Other Educational Activities Program, Estimated		15,000
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SOURCE OF FUNDS:

(1) State General Fund	15,000	
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As provided in Sections 36-21-95 through 36-21-99, Code of Alabama 1975.

Total Policeman's Survivor Tuition Act	15,000	15,000
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30. PRESIDENTIAL ELECTORAL EXPENSE:

(a) Administrative Support Services Program, Estimated		2,000
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SOURCE OF FUNDS:

(1) State General Fund	2,000	
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As provided in Section 17-19-8, Code of Alabama 1975.

Total Presidential Electoral Expense ..	2,000	2,000
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31. PRINTING OF CODE SUPPLEMENTS-LEGISLATIVE REFERENCE SERVICE:

(a) Legislative Operations and Support Program, Estimated		500,000
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SOURCE OF FUNDS:

(1) State General Fund	500,000	
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As provided in Section 29-7-6, Code of Alabama 1975.

Total Printing of Code Supplements-Legislative Reference Service	500,000	500,000
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32. PRINTING CODES AND SUPPLEMENTS-SECRETARY OF STATE:

(a) Administrative Support Services Program, Estimated		165,000
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SOURCE OF FUNDS:

(1) State General Fund	165,000	
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As provided in Sections 41-21-1 and 41-21-154, Code of Alabama 1975.

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Total Printing Codes and Supplements-Secretary of State	165,000	165,000
33. PRINTING OF LEGISLATIVE ACTS AND JOURNALS:		
(a) Administrative Support Services Program, Estimated		500,000
SOURCE OF FUNDS:		
(1) State General Fund	500,000	
As provided in Sections 41-4-130 through 41-4-161, <u>Code of Alabama 1975</u> .		
Total Printing of Legislative Acts and Journals	500,000	500,000
34. PRINTING OF STATE AND COUNTY PRIVILEGE LICENSES:		
(a) State Revenue Administration Program, Estimated		25,000
SOURCE OF FUNDS:		
(1) State General Fund	25,000	
Total Printing of State and County Privilege Licenses	25,000	25,000
35. REGISTRATION OF VOTERS:		
(a) Special Services Program, Estimated		1,000,000
SOURCE OF FUNDS:		
(1) State General Fund	1,000,000	
In accordance with Sections 17-4-126 and 17-4-153, <u>Code of Alabama 1975</u> .		
Total Registration of Voters	1,000,000	1,000,000
36. REMOVAL OF PRISONERS:		
(a) Administrative Services and Logistical Support Program, Estimated		300,000
SOURCE OF FUNDS:		
(1) State General Fund	300,000	
As provided in Sections 15-10-70 through 15-10-73 and 15-9-62, 15-9-65, and 15-9-81, <u>Code of Alabama 1975</u> .		
Total Removal of Prisoners	300,000	300,000
37. STATE GENERAL FUND, ESTIMATED		57,000,000
SOURCE OF FUNDS:		
(1) Heritage Trust Income Fund Transfer, Estimated	57,000,000	

All income other than income realized
on sale of Trust Fund assets and not
otherwise appropriated herein.

Total State General Fund, Estimated	57,000,000	57,000,000
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38. STATE TREASURER-PRE-
VIOUS YEAR'S UNPAID WAR-
RANTS:

(a) Special Services Program, Estimated		200,000
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SOURCE OF FUNDS:

(1) State General Fund	200,000	
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As provided in Section 41-4-60, Code
of Alabama 1975.

Total State Treasurer-Previous Year's Unpaid Warrants	200,000	200,000
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2E. DEBT SERVICE FUNDED
FROM THE STATE GENERAL
FUND:

1. General Obligation Capital Im- provement Bonds, Series B, Estimated		1,184,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,184,000	
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Total General Obligation Capital Im- provement Bonds, Series B, Estimated	1,184,000	1,184,000
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2. General Obligation Coosa Water- way Bonds, Series A and B, Estimated		1,015,270
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,015,270	
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Total General Obligation Coosa Water- way Bonds, Series A and B, Estimated	1,015,270	1,015,270
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3. General Obligation Docks Facilities Bonds, Series A-C, Estimated		4,599,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	4,599,000	
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Total General Obligation Docks Facil- ities Bonds, Series A-C, Estimated	4,599,000	4,599,000
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4. Tennessee-Tombigbee Waterway Bonds, Series A and C-D, Estimated		3,401,367
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SOURCE OF FUNDS:

(1) State General Fund-Transfer, Estimated	3,401,367	
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Pursuant to Constitutional Amendment No. 270 as provided in Act No. 248, 1967 Regular Session.

Total Tennessee-Tombigbee Waterway Bonds, Series A and C-D, Estimated	3,401,367	3,401,367
5. Corrections Institution Bonds, Estimated		1,817,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer, Estimated	1,817,000
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Pursuant to Constitutional Amendment No. 374 as provided for in Act No. 134, 1978 Second Special Session.

Total Corrections Institution Bonds, Estimated	1,817,000	1,817,000
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6. General Obligation Capital Bonds, 1982, Series A and B, and General Obligation Refunding Bonds, 1983, Series A and B, Estimated	66,665,897
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	66,665,897
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Total General Obligation Capital Bonds, 1982, Series A and B, and General Obligation Refunding Bonds, 1983, Series A and B, Estimated	66,665,897	66,665,897
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2F. CONDITIONAL APPROPRIATIONS:

In addition to the appropriations heretofor made there is hereby appropriated to the following agencies from the State General Fund the following amounts in the following priority to be conditioned on the availability of funds in the State General Fund and the approval of the Governor:

1. Department of Finance-Capitol Renovation	6,000,000
2. Public Safety, Automated Fingerprint Identification System	2,500,000

In addition, the following conditional appropriations are made after the above priority items are funded conditioned only on availability of funds and approval of the Governor:

3. Public Safety, Department of	7,242,565
4. Pardons and Paroles, Board of	3,382,500
5. Corrections, Department of	6,078,014
6. Feeding of Prisoners	500,000
7. Mental Health, Department of-Operations	2,697,673

For the reduction in cigarette tax revenue due to the issuance of Mental Health Bonds	4,200,000
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8. Medicaid Agency, Alabama	4,930,000
9. Environmental Management, Department of	500,000
10. Human Resources, Department of	4,841,933
11. Ethics Commission	16,024
12. Farmer's Market Authority	383
13. Finance, Department of	556,419
14. Finance-Air Transportation	96,861
15. Examiners of Public Accounts	2,200,495
16. Legislative Reference Service	56,398
17. Department of Public Health-Operations	1,000,000
For the reduction in cigarette tax revenue due to the issuance of Mental Health Bonds	1,800,000
18. Court of Civil Appeals	49,468
19. Judicial Inquiry Commission	10,390
20. Court of Criminal Appeals	84,873
21. Governor's Office	144,972
22. Education, Department of	260,000
23. Building Commission	32,770
24. Military Department	407,720
25. Labor, Department of	20,313
26. Insurance, Department of	260,173
27. Industrial Relations, Department of	60,225
28. Historical Commission, Alabama	521,160
29. Emergency Management Agency	277,350
30. Law Institute, Alabama	30,903
31. Secretary of State	43,798
32. Securities Commission	183,216
33. Adjustment, Board of	100,000
34. Academy of Honor, Alabama	518
35. Cahawba Advisory Committee	382
36. Elk River Development Agency ..	171
37. Gorgas Memorial Board	3,210
38. Motor Sports Hall of Fame	20,766
39. Music Hall of Fame Board	4,629
40. Senior Citizens Hall of Fame, Alabama	22,681
41. Tannehill Furnace and Foundry Commission	25,000
42. Tennessee Tombigbee Waterway	4,000

43. TVA Exhibit Commission	2,722
44. Women's Commission, Alabama ..	5,399
45. Governor's Proclamation Expense	50,000
46. Election Expenses	21,103
47. Finance-Telephone Revolving Fund	188,895

SECTION 3. That, except as may be herein otherwise provided, amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Sections 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Sections 41-4-80 et seq., Code of Alabama 1975, and the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975.

SECTION 4. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission, or agency is insufficient to pay salaries in that office, department, bureau, board, commission or agency.

SECTION 5. In addition to appropriations herein made, all gifts, grants, contributions, entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Notwithstanding any laws to the contrary, any receipts during fiscal year 1988-89 which exceed an amount of up to 1% of such fiscal year state revenue receipts or up to \$100,000, whichever is greater, to any state fund or from any state revenue source that exceed the amount appropriated by this Act to any state fund, department, agency, division, board, bureau, commission, institution, or office with the exception of revenue to the Real Estate Commission; the Board of Cosmetology; the Department of Finance-Data Systems Management; Telephone Revolving Fund; Alabama Building Finance Authority; Capitol Complex Maintenance and Repair; Alabama Building Authority; Central Mail and Supply; Motor Pool; and Printing and Publications; and funds constitutionally earmarked for construction and maintenance of public roads and bridges shall be transferred to the State General Fund within thirty (30) days after September 30, 1989. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 6. Under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, any interest earned by the State

thereon, together with any accruals or reversions accruing from Revenue Sharing Investments are hereby appropriated to the State General Fund.

SECTION 7. All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized in Section 41-4-93, Code of Alabama 1975, shall lapse on September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the State General Fund or the trust fund from which the appropriation or appropriations were made.

SECTION 8. With the exceptions of the appropriations made herein to the Alabama Development Office and to the Bureau of Tourism and Travel, none of the agencies receiving an appropriation under the provisions of this bill shall expend any funds directly or indirectly in the support of The Alabama Reunion.

SECTION 9. The appropriations made herein to the departments, boards, offices, commissions, and agencies include the amount necessary and said departments, boards, offices, commissions, and agencies are hereby directed to make the transfer of funds to the State Personnel Department in the amounts enumerated in Section 2C, Subsection 97.

SECTION 10. That, if any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 11. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

SECTION 12. That each Department of the State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

SECTION 13. That this Act shall become effective October 1, 1988.

SUBSTITUTE ADOPTED

And the substitute offered by Rep. Ford to the bill, H. 27, was adopted.

Yeas 100; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghyby.

—100

Nay: Rep. Cosby.

AMENDMENT OFFERED

Rep. Harper offered the following amendment to the bill, H. 27 as amended:

Amend House Bill 27 as Substituted on page 34, lines 8 and 29 by striking the figure "42,840,889" and inserting the figure "43,029,034" in lieu thereof.

Further amend House Bill 27 as Substituted on page 34, line 11 by striking the figure "4,157,600" and inserting the figure "4,345,745" in lieu thereof.

Further amend House Bill 27 as Substituted on page 34, line 29 by striking the figure "6,882,600" and inserting the figure "7,070,745" in lieu thereof.

Further amend the bill on page 41 line 8 by deleting the figure "\$2,668,000" and inserting in lieu thereof the figure "\$2,302,000".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bugg, Burke, Buskey (JE), Butler, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Laird, Layson, Lindsey, Marietta, Marks, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Reed, Richardson, Rogers, Seibels, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Wright.

—83

AMENDMENT OFFERED

Rep. Turnham offered the following amendment to the bill, H. 27 as amended:

Amend House Bill 27 as substituted on page 10 by deleting line 8 and inserting in lieu thereof the following: "Code of Alabama, 1975, and other livestock shows and expositions."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Brooks, Bryant, Buskey (JE), Buskey (JL), Campbell, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Ford, Frazier, Freeman, Gaston,

Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Junkins, Knight, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—83

AMENDMENT OFFERED

Rep. Holmes offered the following amendment to the bill, H. 27 as amended:

Amend H. B. 27 on page 6, line 14 by deleting the figure “3,530,922” and inserting in lieu thereof the figure “530,922”.

Further amend on page 6, line 12 by deleting the figure “57,377,632” and inserting in lieu thereof the figure “60,377,632”.

Further amend on page 6 after line 12 by inserting the following language:

“None of the above appropriation to the Court Operations Program may be used directly or indirectly for the Administrative Office of the Courts for central administration services in Montgomery.”

AMENDMENT LOST

And the amendment was lost.

Yeas 12; Nays 41.

Yeas:

Reps. Bryant, Davis, Escott, Grayson, Holmes, Kennedy, McClain, McDowell, Newton, Perdue, Reed and Spratt.

—12

Nays:

Mr. Speaker, Adams, Beers, Blake, Box, Brooks, Carter, Coburn, Cosby, Curry, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Hammett, Headley, Higginbotham, Hill, Hooper, Knight, Kvalheim, Lindsey, Logan, Marks, McKee, Moon, Newman, Payne, Petelos, Rains, Richardson, Seibels, Starkey, Turnham, Venable, White (G), Williams, Wright and Zoghby.

—41

AMENDMENT OFFERED

Rep. Fuller offered the following amendment #1 to the bill, H. 27 as amended:

Amend Sub. H. B. 27 on page 90/91, Section 7, line 26 by striking Section 7 in its entirety and substituting in lieu thereof the following.

7. COURT RELATED COSTS NOT OTHERWISE PROVIDED FOR:

- | | |
|--|---------|
| (a) Court-Assessed Costs Provided in Code of Alabama 1975, Section 22-52-14 and Act 87-574, Estimated | 500,000 |
| (b) Legal advice and legal services program. | |

It is the intent of the Legislature that the appropriation in this subsection be expended for Court Costs to include costs of depositions, witness fees and expenses, filing and docket fees, court reporters, court judgments, attorneys fees, out-of-court settlements, and other expenses ordered by the court or normally identified as costs of court, when any of the above is approved by the Attorney General	500,000
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SOURCE OF FUNDS:

(1) State General Fund, Estimated	500,000	
(2) State General Fund	500,000	
<hr/>		
Total Court Costs Not Otherwise Provided for	1,000,000	1,000,000

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Box, Bugg, Buskey (JE), Buskey (JL), Carter, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holmes, Hooper, Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Rains, Richardson, Rogers, Seibels, Spratt, Starkey, Thomas, Venable, White (F), White (G), White (L), Willis and Wright.

—69

AMENDMENT OFFERED

Rep. Fuller offered the following amendment #2 to the bill, H. 27 as amended:

Amend the Substitute for House Bill 27, on page 107, line 23 of said substitute, by adding a new subsection to read as follows:

48. Supreme Court

\$ 210,194.

MOTION TO TABLE LOST

The motion offered by Rep. Holmes to table the amendment #2 offered by Rep. Fuller to the bill, H. 27 as amended, was lost.

Yeas 12; Nays 40.

Yeas:

Reps. Beers, Brooks, Bryant, Davis, Holmes, McDowell, Newton, Payne, Perdue, Reed, Rogers and Spratt.

—12

Nays:

Mr. Speaker, Adams, Blake, Blakeney, Box, Burke, Carter, Cosby, Crow, Dillard, Frazier, Gaston, Goodwin, Gray, Hammett, Harvey, Headley, Higginbotham, Hill, Hogan, Hooper, Kennedy, Kvalheim, Lindsey, Logan, Marietta, Marks, Mathis, McKee, Melton, Mikell, Penry, Richardson, Starkey, Turner, White (F), White (G), Williams, Willis and Wright.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT ADOPTED

The question was then on the adoption of the amendment #2 offered by Rep. Fuller to the bill, H. 27 as amended, and the amendment was adopted.

Yeas 68; Nays 5.

Yeas:

Mr. Speaker, Adams, Beers, Blake, Blakeney, Box, Brooks, Bryant, Bugg, Burke, Carothers, Carter, Coburn, Cosby, Crow, Dillard, Drake, Escott, Frazier, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Hooper, Junkins, Kennedy, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Perdue, Petelos, Rains, Spratt, Starkey, Thomas, Turner, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—68

Nays: Reps. Freeman, Hall, Holmes, Payne and Seibels.

—5

AMENDMENT OFFERED

Rep. Grayson offered the following amendment to the bill, H. 27 as amended:

Amend House Bill 27 as substituted on page 87 lines 17, 19 and 21 by striking the figure "200,000" and inserting in lieu thereof "100,000".

AMENDMENT TABLED

On motion of Rep. Freeman, the amendment offered by Rep. Grayson to the bill, H. 27 as amended, was tabled.

Yeas 53; Nays 17.

Yeas:

Reps. Beasley, Beers, Biddle, Blake, Box, Breedlove, Britnell, Brooks, Burke, Butler, Carothers, Carter, Coburn, Cosby, Dillard, Flowers, Ford, Freeman, Gaston, Goodwin, Gray, Hall, Harvey, Headley, Hill, Holley, Johnson (RW), Junkins, Kvalheim, Laird, Lindsey, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Parker, Payne, Petelos, Richardson, Seibels, Starkey, Turner, Turnham, Walker, Warren, White (G), White (L), Williams and Wright.

—53

Nays:

Reps. Black, Bryant, Buskey (JE), Clark (W), Davis, Escott, Grayson, Kennedy, McClain, McDowell, Melton, Newton, Perdue, Reed, Rogers, Spratt and Thomas.

—17

AMENDMENT OFFERED

Rep. Rogers offered the following amendment to the bill, H. 27 as amended:

AMENDMENT TO THE SUBSTITUTE TO H. B. 27

To amend the substitute to H. B. 27 on page 87 lines 23, 25 and 27 by deleting the figure "1,000,000" and inserting in lieu thereof the figure "950,000"

Further amend the bill on page 3 lines 9 and 14 by deleting the figure "8,425,687" and inserting in lieu thereof the figure "8,475,687"

Further amend the bill on page 3 lines 11 and 14 by deleting the figure "8,225,687" and inserting in lieu thereof the figure "8,275,687".

AMENDMENT TABLED

On motion of Rep. Harper, the amendment offered by Rep. Rogers to the bill, H. 27 as amended, was tabled.

Yeas 79; Nays 12.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bugg, Burke, Campbell, Carothers, Carter,

Clark (W), Coburn, Cosby, Crow, Curry, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Layson, Logan, Marietta, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Penry, Petelos, Poole, Rains, Richardson, Seibels, Starkey, Turner, Turnham, Venable, Walker, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—79

Nays:

Reps. Black, Bryant, Davis, Grayson, McClain, McDowell, Newton, Payne, Perdue, Reed, Rogers and Spratt.

—12

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Biddle, the rules were suspended in order to introduce a resolution.

RESOLUTION

The following resolution was introduced:

By Reps. Biddle, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby:

H. R. 155. WISHING OUR FRIEND DOT HEADLEY A SPEEDY RECOVERY.

WHEREAS, the Alabama House of Representatives is distressed to learn that our friend Dot Headley is in University Hospital in Birmingham and will undergo surgery tomorrow morning; and

WHEREAS, Dot, who is the wife of our colleague, Representative Lewis "Pig" Headley of Clanton, is a very close and dear member of the "House" family and her well-being is of utmost concern to us all; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we sincerely wish Dot Headley of Clanton, Alabama, a very speedy and complete recovery and do further direct that she receive a copy of this resolution that she and her family may know that her well-being is foremost in our thoughts and prayers.

On motion of Rep. Biddle, the rules were suspended and the resolution, H. R. 155, was adopted.

H. 27 RESUMED
AMENDMENT OFFERED

Rep. Richardson offered the following amendment to the bill, H. 27 as amended:

To amend the substitute to H. B. 27 on page 92 line 25 by deleting the figure "1,978,897" and inserting in lieu thereof the figure "1,878,897".

Further amend the bill on page 92 on lines 34 and 37 by deleting the figure "2,043,897" and inserting in lieu thereof the figure "1,943,897".

Further amend the bill on page 88 after line 22 by adding the following:
"133. Farm Crisis and Transition Program:

(a) Agricultural and Development Services Program	100,000
Source of Funds:	
(1) State General Fund	100,000
Total Farm Crisis and Transition Program	100,000
	100,000"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 90; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Coburn, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—90

Nay: Rep. Grayson.

—1

AMENDMENT OFFERED

Rep. Zoghby offered the following amendment to the bill, H. 27 as amended:

To amend the substitute to H. B. 27 on page 105 line 12 by striking the figure "6,000,000" and inserting in lieu thereof the figure "9,000,000".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 80; Nays 2.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Dillard, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Hall, Hammett, Harvey, Headley, Higginbotham, Hill, Hogan, Hooper, Junkins, Kennedy, Knight, Kvalheim, Layson, Logan, Marietta, Marks, Mathis, McClain, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Rains, Reed, Seibels, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—80

Nays: Reps. Johnson (RG) and Poole.

—2

AMENDMENT OFFERED

Rep. Harper offered the following amendment #2 to the bill, H. 27 as amended:

To amend the substitute to H. B. 27 on page 50 by deleting lines 24 and 25 in their entirety and inserting in lieu thereof the following:

“insurance program.”

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Spratt, Starkey, Thomas, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—90

AMENDMENT OFFERED

Rep. White (G) offered the following amendment to the bill, H. 27 as amended:

Amend House Bill 27, Section 2F, Page 107, line 22, by adding the following:

SOUTHERN RESEARCH INSTITUTE \$5,000,000

MOTION TO TABLE LOST

The motion offered by Rep. Fuller to table the amendment offered by Rep. White (G) to the bill, H. 27 as amended, was lost.

Yeas 18; Nays 55.

Yeas:

Reps. Blakeney, Bryant, Bugg, Buskey (JL), Carter, Cosby, Fuller, Harvey, Holmes, Kennedy, Layson, Marks, McDowell, Mikell, Parker, Thomas, White (F) and Zoghby.

—18

Nays:

Mr. Speaker, Adams, Beers, Biddle, Blake, Box, Britnell, Brooks, Burke, Butler, Carothers, Coburn, Curry, Dillard, Drake, Escott, Faulk, Ford, Frazier, Freeman, Gaston, Goodwin, Hall, Hamilton, Harper, Headley, Hill, Hogan, Holley, Hooper, Johnson (RW), Junkins, Knight, Kvalheim, Lindsey, Logan, Mathis, McClain, McKee, McMillan, Moon, Newton, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Seibels, Slaughter, Starkey, White (G), Willis and Wright.

—55

MOTION TO ADJOURN LOST

The motion offered by Rep. Haynes that the House adjourn until 11:00 o'clock a.m., Thursday, September 15, 1988, was lost.

Yeas 11; Nays 84.

Yeas:

Reps. Black, Bryant, Bugg, Escott, Flowers, Haynes, Hogan, Newton, Perdue, Rogers and Spratt.

—11

Nays:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Curry, Dillard, Drake, Faulk, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Petelos, Poole, Reed, Richardson, Seibels, Slaughter, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—84

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. White (G) to the bill, H. 27 as amended, and the amendment was adopted.

Yeas 53; Nays 31.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blake, Box, Brooks, Burke, Campbell, Coburn, Crow, Curry, Dillard, Drake, Escott, Faulk, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Hamilton, Harper, Hill, Hogan, Holley, Hooper, Johnson (RW), Junkins, Knight, Kvalheim, Lindsey, Mathis, McClain, McDowell, McKee, McMillan, Newton, Payne, Penry, Perdue, Petelos, Rains, Richardson, Seibels, Slaughter, Spratt, Starkey, White (F), White (G), Willis and Wright.

—53

Nays:

Reps. Beasley, Black, Blakeney, Breedlove, Bryant, Bugg, Buskey (JL), Butler, Carter, Clark (W), Cosby, Fuller, Grayson, Grouby, Hall, Harvey, Higginbotham, Kennedy, Laird, Layson, Marks, Melton, Mikell, Moon, Parker, Reed, Rogers, Thomas, Turner, Warren and White (L).

—31

AMENDMENT OFFERED

Rep. White (L) offered the following amendment to the bill, H. 27 as amended:

Amend House Bill 27, as substituted, as follows: On page 54, after line 7, add the following:

(15) Transfer from the Department of
Corrections \$1,000,000

Further amend the bill on page 54, line 9, by striking the figures

265,533,608 277,711,274

and insert in lieu thereof the figures

266,533,608 278,711,274

Further amend the bill on page 23 after line 27 by adding the following:

“Of the above appropriation of
97,687,991 the sum of \$1,000,000
shall be transferred to the Depart-
ment of Human Resources.”

Further amend the bill on page 52 line 32 by striking the figure
“277,711,274” and inserting in lieu thereof the figure “278,711,274.”

AMENDMENT TABLED

On motion of Rep. Haynes, the amendment offered by Rep. White (L) to the bill, H. 27 as amended, was tabled.

Yeas 43; Nays 38.

Yeas:

Reps. Beers, Black, Blake, Bowling, Britnell, Brooks, Carothers, Cosby, Curry, Dillard, Drake, Escott, Faulk, Freeman, Gaston, Gray, Hall, Haynes, Headley,

Hill, Hooper, Johnson (RG), Knight, Kvalheim, Mathis, McKee, Melton, Newton, Payne, Penry, Perdue, Petelos, Rains, Seibels, Spratt, Thomas, Turner, Venable, Walker, Warren, White (F), White (G) and Willis.

—43

Nays:

Reps. Adams, Beasley, Box, Breedlove, Bryant, Bugg, Burke, Carter, Coburn, Davis, Ford, Fuller, Goodwin, Grouby, Hamilton, Harvey, Holley, Holmes, Johnson (RW), Junkins, Kennedy, Laird, Layson, Lindsey, Logan, Marietta, Marks, McDowell, Moon, Parker, Reed, Richardson, Slaughter, Starkey, Turnham, White (L), Williams and Wright.

—38

AMENDMENT OFFERED

Rep. Turner offered the following amendment to the bill, H. 27 as amended:

Amend House Bill 27 as substituted by deleting pages 12, 13 and 14 in their entirety and on page 15 by deleting lines 5 through 10 and inserting in lieu thereof the following:

11. ALCOHOLIC BEVERAGE CONTROL BOARD, ALABAMA:

(a) Alcoholic Beverage Management Program	23,029,145
(b) Enforcement Program	4,886,000
(c) Administrative Services Program	13,044,840

Any other provision of law to the contrary notwithstanding, the appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the Department of Mental Health of \$1,000,000, a transfer to the Alabama Medicaid Agency of \$5,000,000 and a transfer to the Department of Public Health of \$4,000,000.

SOURCE OF FUNDS:

(1) ABC Board Fund	40,959,985
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In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store

closed or withdrawn from operation during the same period. There is further appropriated to the Alabama Alcoholic Beverage Control Board after provision has been made for the other expenditures herein authorized, such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board

40,959,985

40,959,985

MOTION TO TABLE LOST

The motion offered by Rep. Ford to table the amendment offered by Rep. Turner to the bill, H. 27 as amended, was lost.

Yeas 38; Nays 60.

Yeas:

Mr. Speaker, Black, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carter, Clark (W), Coburn, Davis, Faulk, Ford, Freeman, Fuller, Grayson, Harper, Haynes, Holley, Holmes, Johnson (RW), Junkins, Kennedy, Layson, Lindsey, Marietta, McClain, Melton, Newman, Payne, Richardson, Rogers, Starkey, Thomas, Turnham, Williams and Zoghby.

—38

Nays:

Reps. Adams, Beasley, Biddle, Blake, Blakeney, Bowling, Breedlove, Britnell, Brooks, Butler, Carothers, Cosby, Crow, Curry, Dillard, Drake, Escott, Flowers,

Frazier, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Logan, Marks, Mathis, McDowell, McKee, McMillan, Mikell, Moon, Newton, Parker, Penry, Perdue, Petelos, Poole, Rains, Seibels, Turner, Venable, Warren, White (F), White (G), White (L), Willis and Wright.

—60

SUBSTITUTE AMENDMENT OFFERED

Rep. Harper offered the following substitute amendment to the amendment offered by Rep. Turner to the bill, H. 27 as amended:

Amend House Bill 27 as substituted on page 12 by striking lines 18-31 in their entirety and inserting in lieu thereof the following "1,000,000".

Further amend House Bill 27 as substituted on page 44 line 22 by striking the figure "10,400,000" and inserting in lieu thereof the figure "6,400,000".

Further amend House Bill 27 as substituted on page 45 by deleting the line 10 in its entirety and renumbering the remaining section.

Further amend House Bill 27 as substituted on page 45 line 14 by striking the figures "100,119,616" and "126,170,979" and inserting in lieu thereof the figures "96,119,616" and "122,170,979" respectively.

Further amend House Bill 27 as substituted on page 58 line 24 by striking the figure "512,958,090" and inserting in lieu thereof the figure "507,958,090".

Further amend House Bill 27 as substituted on page 60 by striking lines 16 and 17 and renumbering the remaining sections accordingly.

Further amend House Bill 27 as substituted on page 60 line 27 by striking the figures "408,216,605" and "512,958,090" and inserting in lieu thereof the figures "403,216,605" and "507,958,090" respectively.

SUBSTITUTE AMENDMENT TABLED

On motion of Rep. Turner, the substitute amendment offered by Rep. Harper was tabled.

Yeas 55; Nays 38.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Blake, Blakeney, Breedlove, Britnell, Brooks, Cosby, Crow, Curry, Dillard, Drake, Escott, Flowers, Frazier, Goodwin, Gray, Grouby, Hamilton, Hammett, Harvey, Haynes, Hill, Hogan, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Lindsey, Logan, Marks, Mathis, McKee, McMillan, Mikell, Newton, Parker, Payne, Penry, Petelos, Poole, Seibels, Spratt, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Willis and Wright.

—55

Nays:

Mr. Speaker, Black, Bowling, Box, Bryant, Bugg, Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Davis, Faulk, Ford, Fuller, Gaston, Grayson, Hall,

Harper, Holley, Johnson (RW), Junkins, Layson, Marietta, Melton, Moon, Newman, Perdue, Rains, Reed, Richardson, Rogers, Slaughter, Starkey, Thomas, Williams and Zoghby.

—38

SUBSTITUTE AMENDMENT OFFERED

Rep. Harper offered the following substitute amendment #2 to the amendment offered by Rep. Turner to the bill, H. 27 as amended:

To amend the Substitute to House Bill 27 on page 12 by deleting lines 20 through 22 in their entirety and inserting in lieu thereof the following:

“of \$4,000,000. The appropriation”

Further amend the bill on page 60, line 15 by striking the figure “1,049,572” and inserting in lieu thereof the figure “6,049,572”.

Further amend the bill on page 60 by deleting lines 16 and 17 in their entirety.

Further amend the bill on page 60, line 27 by striking the figures “104,741,485” and “408,216,605” and inserting in lieu thereof the figures “109,741,485” and “403,216,605”.

MOTION TO INDEFINITELY POSTPONE

Rep. Holley offered the motion to indefinitely postpone the substitute amendment #2 offered by Rep. Harper.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 4:37 P.M. on September 13, 1988.

H. 160	H. 321
H. 166	H. 322
H. 176	H. J. R. 112
H. 230	H. 159
H. 231	H. 52
H. 284	H. 276
H. 309	

Delivered to the Governor at 9:00 P.M. on September 13, 1988.

H. J. R. 77
H. 116

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

The hour of 12:00 o'clock midnight having arrived, and no motion to adjourn having been offered, the Speaker declared the eighth legislative day had ended.

NINTH DAY

House of Representatives
Montgomery, Alabama
Wednesday, September 14, 1988

No motion to adjourn having been offered, the Speaker, at 12:01 a.m., Wednesday, September 14, 1988, called the House to order for the ninth legislative day.

PRAYER

The session was opened with prayer by Rep. Charlie Britnell.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Rep. Charlie Britnell.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—104

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighth legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the eighth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the eighth legislative day was approved.

BILLS ON SECOND READING

Rep. McMillan, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and

ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 360. To validate certain ad valorem taxes levied for school purposes; and to provide that ad valorem taxes levied for school purposes and approved by the voters of a county or school district for a period in excess of 30 years are valid for the period approved by voters.

Rep. Zoghby, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 98. To amend Section 5-19-4, Code of Alabama 1975, relating to consumer finance, so as to require actuarial method of computation on consumer loans and consumer credit sales with an original term of more than 61 months and to clarify method of refund in all other cases.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 341. To authorize and empower the State of Alabama to impose a ten percent surcharge on the gross intrastate revenues of each "Dial It" service provider operating in the State of Alabama.

H. 367. To permit the State of Alabama and all departments, agencies and instrumentalities thereof, all counties and municipalities in the State of Alabama, and all public corporations, agencies and instrumentalities of such counties and municipalities which are by law authorized to refund their outstanding obligations to issue refunding obligations to refund principal only, interest only, or principal and interest in any combination thereof; and to provide that the provisions of this act are severable.

Rep. Britnell, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 53. Authorizing and empowering the state highway department to set speed limits in urban and rural construction zones along state and interstate highways.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 357. To amend Section 9 of Act No. 88-562, S. 667 of the 1988 Regular Session of the Legislature, which act levies certain taxes on tobacco and tobacco products in Franklin County, so as to exempt Act No. 708 of the 1965 Regular Session of the Legislature approved on September 1, 1965, from the repealer provisions of said Section 9.

H. 362. To amend Section 9 of Act No. 88-562, S. 667 of the 1988 Regular Session of the Legislature, which act levies certain taxes on tobacco and tobacco products in Franklin County, so as to exempt Act No. 708 of the 1965 Regular Session of the Legislature approved on September 1, 1965, from the repealer provisions of said Section 9.

H. 363. Relating to the City of Bear Creek in Marion County; to alter the corporate boundaries so as to include additional lands within the corporate limits; and to provide for a referendum thereon.

H. 365. Relating to Marion County; amending Act No. 88-619, H. 1030, 1988 Regular Session (Acts 1988, p. 961), levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, so as to provide further for the collection and enforcement of the tax; and for the distribution of the proceeds therefrom.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 73. (With Amendment): To make an appropriation of \$2,000,000 from the Alabama Special Educational Trust Fund to the Southern Research Institute for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 150. To amend sections 16-33B-1, 16-33B-3 and 16-33B-4, Code of Alabama 1975, relating to the Alabama guaranteed student loan program, so as to define approved lender, student loan, Federal Student Loan Law and eligible institution; to provide program administration in accordance with the Federal Student Loan Law; to provide for basic powers and duties of the Alabama Commission on Higher Education in accordance with the Federal Student Loan Law; to promote the availability of the Alabama guaranteed student loan program; and to service loans.

S. 151. To amend Sections 16-6A-12 and 16-6A-13, Code of Alabama 1975, which provide for the Educational Reform Act of 1984, so as to provide further for eligibility for and repayment of scholarship loans for teacher education programs in critical needs areas.

S. 21. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1989.

S. 145. To make an appropriation for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

S. 199. To amend Act No. 87-761 of the 1987 Regular Legislative Session as it amended Section 4 of Act No. 86-645 1st Special Session, 1986, concerning the repayment of funds transferred from Fund No. 305735 by said Act.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Newman (With Notice and Proof):

H. 369. Relating to Lamar County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of

tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and providing for the distribution of the proceeds therefrom.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 369, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

RESOLUTION

The following resolution was introduced:

By Reps. Burke and Rains:

H. J. R. 156. MOURNING THE DEATH OF ROBERT L. CARDEN OF GERALDINE, ALABAMA.

WHEREAS, the Alabama Legislature grievously records the death of Robert L. Carden of Geraldine, Alabama, on September 13, 1988; and

WHEREAS, Mr. Carden was a member of the city council for the City of Geraldine for the past four years, a position in which he provided dedicated service; and

WHEREAS, he exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowman; and

WHEREAS, Mr. Carden gained the respect and fond feelings of those who knew him whether friend or mere acquaintance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Robert L. Carden of Geraldine, Alabama, and extend sincere and deepest sympathy to his wife, Martha Burke Carden, whose sorrow we share and for whom a copy of this resolution shall be provided.

On motion of Rep. Burke, the rules were suspended and the resolution, H. J. R. 156, was adopted.

H. 27 RESUMED

The question was again on the motion offered by Rep. Holley to indefinitely postpone the substitute amendment #2 offered by Rep. Harper to the amendment offered by Rep. Turner on the eighth legislative day, and the motion was adopted.

Yeas 98; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey,

Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—98

RESOLUTION

The following resolution was introduced:

By Rep. McMillan:

H. J. R. 157. COMMENDING THE HEALTH OCCUPATIONS EDUCATION PROGRAM OF ROBERTSDALE AREA VOCATIONAL CENTER.

WHEREAS, the Alabama Legislature, in highest commendation, notes the selection of the Health Occupations Education program of the Robertsdale Area Vocational Center as the most outstanding program in the state, a prestigious designation of the State Department of Education in recognition of the outstanding dedication and achievement of the Robertsdale HOE department; and

WHEREAS, the HOE program, a two-year curriculum, is designed to stimulate students' interest in health care delivery and to help prepare them for further education or immediate employment opportunities in this field; and

WHEREAS, within this program, students also participate in the Health Organizations Students of America (HOSA) organization, and the Robertsdale chapter, one of 1,500 throughout the United States, is recognized as one of the most active and committed chapters in the country and has now been selected as the best in Alabama; and

WHEREAS, under the leadership of Mrs. Mary Childress, Robertsdale HOE department instructor and director, the center's HOSA chapter has performed numerous community services related to such projects as blood pressure screenings, Red Cross blood drives, Cystic Fibrosis Foundation fundraising and American Heart Fund campaigns, among many others, and has been recognized for excellence in a number of career-related and leadership competitions on the local, district, state and national levels; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend the Health Occupations Education program of the Robertsdale Area Vocational Center, Mrs. Mary Childress, department director, and the center's chapter of the Health Occupations Students of America organization.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Mrs. Childress for appropriate presentation and school display.

On motion of Rep. McMillan, the rules were suspended and the resolution, H. J. R. 157, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. McMillan, the rules were suspended to permit the Standing Committees to meet during the day.

H. 27 RESUMED

AMENDMENT INDEFINITELY POSTPONED

The question was then on the amendment offered by Rep. Turner to the bill, H. 27 as amended, on the eighth legislative day, and on motion of Rep. Johnson (RW), the amendment was indefinitely postponed.

Yeas 49; Nays 46.

Yeas:

Mr. Speaker, Black, Blake, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Davis, Escott, Faulk, Ford Freeman, Fuller, Grayson, Hall, Harper, Higginbotham, Holley, Holmes, Johnson (RW), Junkins, Kennedy, Mathis, McClain, McDowell, Melton, Moon, Newman, Newton, Parker, Payne, Perdue, Reed, Rogers, Slaughter, Spratt, Starkey, Thomas, Turnham, Williams and Zoghby.

—49

Nays:

Reps. Adams, Beasley, Beers, Biddle, Blakeney, Breedlove, Britnell, Brooks, Cosby, Crow, Curry, Dillard, Drake, Flowers, Frazier, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Harvey, Hill, Hogan, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Logan, Marks, McKee, McMillan, Mikell, Petelos, Poole, Richardson, Seibels, Turner, Venable, Walker, Warren, White (L), Willis and Wright.

—46

AMENDMENT OFFERED

Rep. Turner offered the following amendment #2 to the bill, H. 27 as amended:

Amend House Bill 27 as substituted on page 87, on lines 23, 25 and 27 by deleting the amount "1,000,000" each time it appears and inserting in lieu thereof the amount 1,610,417.

Further amend House Bill 27 as substituted on page 83, line 30 by deleting the amount "915,000" and inserting in lieu thereof the amount 304,583 and on page 84, line 7 by deleting the amount "2,061,638" and inserting in lieu thereof the amount 1,451,221 and on line 14 by deleting the amounts "2,061,638" and "5,651,999" and inserting the amounts 1,451,221 and 5,041,582 respectively.

MOTION TO TEMPORARILY CARRY OVER TABLED

On motion of Rep. Harper, the motion offered by Rep. McKee to temporarily carry over the bill, H. 27 as amended, and the pending amendment, was tabled.

Yeas 67; Nays 26.

Yeas:

Mr. Speaker, Beers, Black, Blake, Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Davis, Escott, Faulk, Ford, Freeman, Fuller, Gaston,

Goodwin, Grayson, Hall, Hammett, Harper, Higginbotham, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Rains, Reed, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, White (F), White (G), White (L), Williams, Wright and Zoghby.

—67

Nays:

Reps. Adams, Beasley, Biddle, Brooks, Cosby, Crow, Curry, Dillard, Flowers, Frazier, Gray, Grouby, Hill, Hogan, Holley, Holmes, Hooper, Knight, Laird, McKee, Petelos, Poole, Seibels, Walker, Warren and Willis.

—26

AMENDMENT ADOPTED

The question was then on the adoption of the amendment #2 offered by Rep. Turner to the bill, H. 27 as amended, and the amendment was adopted.

Yeas 85; Nays 7.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Brooks, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McDowell, McKee, McMillan, Mikell, Moon, Newman, Payne, Petelos, Poole, Rains, Reed, Richardson, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Wright.

—85

Nays:

Reps. Box, Marietta, McClain, Penry, Rogers, Seibels and Zoghby.

—7

AMENDMENT OFFERED

Rep. Turner offered the following amendment #3 to the bill, H. 27 as amended:

Amend H. B. 27 as substituted, Page 109, by deleting in their entirety, lines 21 through 24, and inserting in lieu thereof the following:

“Section 6. All interest earned from funds paid into Account No. 305735 by Act 87-761 and this act are hereby appropriated for general government to be spent at the discretion of the Governor. Any other interest earned by the state from Revenue Sharing Investments under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, together with any accruals or reversions thereon are hereby appropriated to the State General Fund.”

MOTION TO TABLE LOST

The motion offered by Rep. Harper to table the amendment #3 offered by Rep. Turner to the bill, H. 27 as amended, was lost.

Yeas 48; Nays 48.

Yeas:

Mr. Speaker, Black, Blake, Bowling, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Davis, Escott, Faulk, Ford, Freeman, Fuller, Grayson, Hall, Harper, Higginbotham, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Marietta, Mathis, McClain, McDowell, Melton, Newman, Parker, Payne, Penry, Reed, Rogers, Slaughter, Starkey, Thomas, Turnham, White (L), Williams and Zoghby.

—48

Nays:

Reps. Adams, Beasley, Beers, Biddle, Blakeney, Breedlove, Britnell, Brooks, Cosby, Crow, Curry, Dillard, Drake, Flowers, Frazier, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Harvey, Hill, Hogan, Hooper, Knight, Kvalheim, Laird, Lindsey, Logan, Marks, McKee, McMillan, Mikell, Moon, Petelos, Poole, Richardson, Seibels, Spratt, Turner, Venable, Walker, Warren, White (F), White (G), Willis and Wright.

—48

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Harper to indefinitely postpone the amendment #3 offered by Rep. Turner to the bill, H. 27 as amended, was lost.

Yeas 48; Nays 51.

Yeas:

Mr. Speaker, Black, Blake, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Davis, Escott, Faulk, Ford, Freeman, Fuller, Grayson, Hall, Harper, Haynes, Higginbotham, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Marietta, Mathis, McClain, McDowell, Melton, Newman, Parker, Penry, Reed, Rogers, Slaughter, Starkey, Thomas, Turnham, Williams and Zoghby.

—48

Nays:

Reps. Adams, Beasley, Beers, Biddle, Blakeney, Breedlove, Britnell, Brooks, Cosby, Crow, Curry, Dillard, Drake, Flowers, Frazier, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Harvey, Hill, Hogan, Hooper, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, McKee, McMillan, Mikell, Moon, Payne, Petelos, Poole, Richardson, Seibels, Spratt, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Willis and Wright.

—51 ,

SUBSTITUTE AMENDMENT OFFERED

Rep. Payne offered the following substitute amendment to the amendment #3 offered by Rep. Turner to the bill, H. 27 as amended:

Amend H. B. 27 as substituted, Page 109, by deleting in their entirety, lines 21 through 24, and inserting in lieu thereof the following:

"Section 6. All interest earned from funds paid into Account No. 305735 by Act 87-761 and this act are hereby appropriated equally among the 140

legislators to be spent for local projects in their districts. Any other interest earned by the state from Revenue Sharing Investments under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, together with any accruals or reversions thereon are hereby appropriated to the State General Fund."

SUBSTITUTE AMENDMENT LOST

And the substitute amendment was lost.

Yeas 42; Nays 48.

Yeas:

Reps. Black, Bowling, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Coburn, Davis, Escott, Faulk, Ford, Fuller, Goodwin, Grayson, Harper, Haynes, Higginbotham, Holmes, Johnson (RG), Junkins, Kennedy, Marietta, Mathis, McClain, McDowell, Melton, Moon, Newman, Parker, Payne, Reed, Rogers, Slaughter, Spratt, Starkey, Thomas, White (F), White (L) and Williams.

—42

Nays:

Mr. Speaker, Adams, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Brooks, Burke, Butler, Cosby, Crow, Curry, Drake, Frazier, Freeman, Gaston, Gray, Grouby, Hammett, Harvey, Hill, Hogan, Holley, Hooper, Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, McKee, McMillan, Mikell, Penry, Petelos, Poole, Richardson, Seibels, Turner, Turnham, Venable, Walker, Warren, White (G), Willis and Wright.

—48

SUBSTITUTE AMENDMENT OFFERED

Rep. Harper offered the following substitute amendment to the amendment #3 offered by Rep. Turner to the bill, H. 27 as amended:

Amendment to H. B. 27 as substituted amend H.B. 27 on page 109 line 24 after the word "Fund" by striking the period and inserting the following: "however in the event that 7,000,000 is repaid to the Revenue Sharing Account during FY 1988-89, any interest earned on such amount shall be appropriated to the Governors' Contingency Fund."

MOTION TO TABLE LOST

The motion offered by Rep. Turner to table the substitute amendment offered by Rep. Harper, was lost.

Yeas 44; Nays 54.

Yeas:

Reps. Adams, Beers, Blakeney, Breedlove, Britnell, Brooks, Cosby, Crow, Curry, Dillard, Drake, Flowers, Frazier, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Harvey, Hill, Hogan, Holmes, Hooper, Knight, Kvalheim, Laird, Lindsey, Logan, McKee, McMillan, Mikell, Petelos, Poole, Rains,

Richardson, Seibels, Turner, Venable, Walker, Warren, White (G), Willis and Wright.

—44

Nays:

Mr. Speaker, Beasley, Black, Blake, Bowling, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Davis, Escott, Faulk, Ford, Freeman, Fuller, Grayson, Hall, Harper, Haynes, Higginbotham, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Layson, Marietta, Mathis, McClain, McDowell, Melton, Moon, Newman, Parker, Payne, Penry, Reed, Rogers, Slaughter, Spratt, Starkey, Thomas, Turnham, White (F), White (L), Williams and Zoghby.

—54

SUBSTITUTE AMENDMENT ADOPTED

The question was then on the adoption of the substitute amendment offered by Rep. Harper to the amendment #3 offered by Rep. Turner to the bill, H. 27 as amended, and the substitute amendment was adopted.

Yeas 60; Nays 32.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Davis, Escott, Faulk, Ford, Freeman, Fuller, Grayson, Hall, Harper, Harvey, Haynes, Higginbotham, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Layson, Lindsey, Logan, Marietta, Mathis, McClain, Melton, Moon, Newman, Parker, Payne, Penry, Rains, Reed, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turnham, White (F), White (L), Williams and Zoghby.

—60

Nays:

Reps. Adams, Beers, Biddle, Breedlove, Brooks, Cosby, Crow, Curry, Drake, Flowers, Frazier, Gaston, Gray, Grouby, Hammett, Hill, Hooper, Knight, Kvalheim, Laird, McKee, McMillan, Mikell, Poole, Seibels, Turner, Venable, Walker, Warren, White (G), Willis and Wright.

—32

AMENDMENT OFFERED

Rep. Turner offered the following amendment #4 to the bill, H. 27 as amended:

Amend H. B. 27 as substituted, Page 108, by deleting in their entirety, lines 23 through 33, and Page 109, by deleting in their entirety, lines 5 through 20, and inserting in lieu thereof the following:

“Section 5. In addition to appropriations herein made, all gifts, grants, contributions, appropriations, or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby

appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975."

AMENDMENT TABLED

On motion of Rep. Harper, the amendment #4 offered by Rep. Turner to the bill, H. 27 as amended, was tabled.

Yeas 65; Nays 18.

Yeas:

Mr. Speaker, Black, Blake, Bowling, Box, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Davis, Escott, Faulk, Ford, Freeman, Fuller, Goodwin, Gray, Grayson, Hall, Harper, Harvey, Haynes, Higginbotham, Hogan, Holley, Hooper, Johnson (RW), Junkins, Kennedy, Layson, Lindsey, Logan, Marietta, Mathis, McClain, McDowell, Melton, Mikell, Moon, Newman, Parker, Payne, Reed, Richardson, Rogers, Seibels, Spratt, Starkey, Thomas, Turnham, Walker, White (F), White (L), Williams, Willis and Zoghby.

—65

Nays:

Reps. Beasley, Beers, Curry, Dillard, Drake, Frazier, Gaston, Hammett, Holmes, Johnson (RG), Knight, Marks, McMillan, Penry, Petelos, Poole, White (G) and Wright.

—18

AMENDMENT OFFERED

Rep. Turner offered the following amendment #5 to the bill, H. 27, as amended:

Amend House Bill 27 as substituted on page 21, by deleting lines 9 through 13 in their entirety.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall,

Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, Melton, Mikell, Moon, Newman, Parker, Payne, Perdue, Petelos, Poole, Rains, Reed, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—89

AMENDMENT OFFERED

Rep. Turner offered the following amendment #6 to the bill, H. 27 as amended:

Amend House Bill 27 as substituted on page 58, line 24, by deleting the figure "512,958,090" and inserting in lieu thereof the figure 517,174,877.

Further amend HB 27 as substituted on page 60, line 15, by deleting the figure "1,049,572" and inserting in lieu thereof the figure 5,266,359.

Further amend HB 27 as substituted on page 60, line 27 by deleting the figures "104,741,485" and "512,958,090" and inserting in lieu thereof respectively the figures 108,958,272 and 517,174,877.

Further amend HB 27 as substituted on page 27, lines 22 and 29, by deleting the figure "3,666,419" each time it appears and inserting in lieu thereof the figure 3,266,419 respectively.

Further amend HB 27 as substituted on page 27, lines 25 and 29 by deleting the figures "2,820,503" each time it appears and inserting in lieu thereof the figure 2,420,503 respectively.

Further amend HB 27 as substituted on page 44, line 24, by deleting the figures "26,051,363" and inserting in lieu thereof the figure 22,234,576.

Further amend HB 27 as substituted on page 45, line 14, by deleting the figures "26,051,363" and "126,170,979" and inserting in lieu thereof the figures 22,234,576 and 122,354,192.

Further amend HB 27 as substituted on page 44, line 7, by deleting the figure "64,630,465" and inserting in lieu thereof the figure 64,281,755.

Further amend HB 27 as substituted on page 44, line 8, by deleting the figure "43,004,001" and inserting in lieu thereof the figure 41,004,001.

Further amend HB 27 as substituted on page 44, line 18, by deleting the figure "7,882,513" and inserting in lieu thereof the figure 6,414,436.

AMENDMENT TABLED

On motion of Rep. Harper, the amendment #6 offered by Rep. Turner to the bill, H. 27 as amended, was tabled.

Yeas 71; Nays 17.

Yeas:

Mr. Speaker, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Davis, Dillard, Escott, Faulk, Ford,

Freeman, Fuller, Gaston, Grayson, Hall, Hammett, Harper, Harvey, Haynes, Higginbotham, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, Melton, Moon, Newman, Parker, Payne, Penry, Perdue, Poole, Rains, Reed, Richardson, Rogers, Seibels, Spratt, Starkey, Thomas, Turnham, Venable, Warren, Williams, Wright and Zoghby.

—71

Nays:

Reps. Beasley, Biddle, Crow, Curry, Drake, Frazier, Goodwin, Grouby, Hogan, Hooper, Knight, Laird, Slaughter, Turner, Walker, White (G) and Willis.

—17

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, H. 27 as amended:

Amend House Bill 27 as substituted by deleting pages 12, 13 and 14 in their entirety and on page 15 by deleting lines 5 through 10 and inserting in lieu thereof the following:

11. ALCOHOLIC BEVERAGE CONTROL BOARD, ALABAMA:

(a) Alcoholic Beverage Management

Program 23,029,145

(b) Enforcement Program

4,886,000

(c) Administrative Services Program

8,044,840

Any other provision of law to the contrary notwithstanding, the appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the Department of Mental Health of \$1,000,000, a transfer to the Alabama Medicaid Agency of \$5,000,000 and a transfer to the Department of Public Health of \$4,000,000.

SOURCE OF FUNDS:

(1) ABC Board Fund

35,959,985

In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store

closed or withdrawn from operation during the same period. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized, such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board

35,959,985

35,959,985

MOTION TO TABLE LOST

The motion offered by Rep. Harper to table the amendment offered by Rep. Venable to the bill, H. 27 as amended, was lost.

Yeas 43; Nays 54.

Yeas:

Mr. Speaker, Black, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Davis, Escott, Faulk, Freeman, Fuller, Grayson, Harper, Haynes, Holley, Johnson (RW), Junkins, Kennedy, Marietta, Mathis, McClain, McDowell, Melton, Newman, Parker,

Perdue, Rains, Reed, Rogers, Spratt, Starkey, Thomas, Turnham, White (G), Williams and Zoghby.

—54

Nays:

Reps. Adams, Beasley, Beers, Biddle, Blake, Blakeney, Breedlove, Britnell, Brooks, Butler, Cosby, Crow, Curry, Dillard, Drake, Flowers, Ford, Frazier, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Harvey, Hill, Hogan, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Lindsey, Logan, Marks, McKee, McMillan, Mikell, Moon, Payne, Penry, Petelos, Poole, Richardson, Seibels, Turner, Venable, Walker, Warren, White (F), White (L), Willis and Wright.

—54

AMENDMENT INDEFINITELY POSTPONED

On motion of Rep. Johnson (RW), the amendment offered by Rep. Venable to the bill, H. 27 as amended, was indefinitely postponed.

Yeas 50; Nays 49.

Yeas:

Mr. Speaker, Black, Blake, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Davis, Escott, Faulk, Ford, Freeman, Fuller, Grayson, Harper, Haynes, Higginbotham, Holley, Johnson (RW), Junkins, Kennedy, Laird, Layson, Marietta, Mathis, McClain, McDowell, Melton, Newman, Parker, Payne, Perdue, Reed, Rogers, Slaughter, Spratt, Starkey, Thomas, Turnham, White (G), Williams and Zoghby.

—50

Nays:

Reps. Adams, Beasley, Beers, Biddle, Blakeney, Breedlove, Britnell, Brooks, Cosby, Crow, Curry, Dillard, Drake, Flowers, Frazier, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Harvey, Hill, Hogan, Holmes, Hooper, Johnson (RG), Knight, Kvalheim, Lindsey, Logan, Marks, McKee, McMillan, Mikell, Moon, Penry, Petelos, Poole, Rains, Seibels, Turner, Venable, Walker, Warren, White (F), White (L), Willis and Wright.

—49

AMENDMENT OFFERED

Rep. Gray offered the following amendment to the bill, H. 27 as amended:

To amend the substitute to H.B. 27 on page 3 lines 9 and 14 by striking the figure “8,425,687” and insert in lieu thereof the figure “8,725,687”.

Further amend the bill on page 3 lines 11 and 14 by striking the figure “8,225,687” and inserting in lieu thereof the figure “8,525,687”.

Further amend the bill on page 34 lines 32 and 34 and on page 35 lines 6 by striking the figure “307,679” and inserting in lieu thereof the figure “357,679”.

Further amend on page 16, line 7 by deleting the figure “6,423,466” and inserting in lieu thereof the figure “6,073,466”.

Further amend on page 16, line 12 by deleting the figure "5,795,232" and inserting in lieu thereof the figure "5,445,232".

Further amend on page 16, line 19 by deleting the figures "6,308,930" and "6,993,153" and inserting in lieu thereof the figures "5,958,930" and "6,643,153" respectively.

AMENDMENT TABLED

On motion of Rep. Harper, the amendment offered by Rep. Gray to the bill, H. 27 as amended, was tabled.

Yeas 73; Nays 11.

Yeas:

Mr. Speaker, Beasley, Biddle, Black, Blake, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Coburn, Cosby, Crow, Davis, Escott, Faulk, Ford, Freeman, Fuller, Goodwin, Grayson, Hammett, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Laird, Layson, Lindsey, Logan, Marietta, Mathis, McClain, McDowell, Melton, Moon, Newman, Parker, Payne, Penry, Perdue, Poole, Rains, Reed, Rogers, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (F), White (L), Williams, Willis, Wright and Zoghby.

—73

Nays:

Reps. Beers, Brooks, Curry, Frazier, Grouby, Knight, McKee, Seibels, Slaughter, Turner and White (G).

—11

AMENDMENT OFFERED

Rep. Turner offered the following amendment #7 to the bill, H. 27 as amended:

To amend House Bill 27, as Substituted, on Page 74, line 15 by deleting the figure "16,109,831" and inserting in lieu thereof the figure 19,878,767.

Further amend House Bill 27, as Substituted, on Page 74, line 16 by deleting the figure "4,685,923" and inserting in lieu thereof the figure 6,132,182.

Further amend House Bill 27, as Substituted, on Page 74, line 18 by deleting the figure "10,273,240" and inserting in lieu thereof the figure 8,862,182.

Further amend House Bill 27, as Substituted, on Page 74, line 20 by deleting the figure "7,592,294" and inserting in lieu thereof the figure 7,106,236.

Further amend House Bill 27, as Substituted, on Page 74, line 21 by deleting the figure "4,899,971" and inserting in lieu thereof the figure 3,894,341.

Further amend House Bill 27, as Substituted, on Page 74, line 23 by deleting the figure "1,924,821" and inserting in lieu thereof the figure 1,189,297.

Further amend House Bill 27, as Substituted, on Page 74, lines 25 and 27 by deleting the figure "45,486,080" everytime it appears and inserting in lieu thereof the figure 47,063,005.

Further amend House Bill 27, as Substituted, on Page 30, line 35 by deleting the figure "37,853,423 and inserting in lieu thereof the figure 36,276,498.

Further amend House Bill 27, as Substituted, on Page 31, line 25 by deleting the figure "8,233,079" and inserting in lieu thereof the figure 6,656,154.

Further amend House Bill 27, as Substituted, on Page 31, line 36 by deleting the figures "8,233,079" and "145,017,570" inserting in lieu thereof the figures 6,656,154 and 143,440,645 respectively.

AMENDMENT TABLED

On motion of Rep. Freeman, the amendment #7 offered by Rep. Turner to the bill, H. 27 as amended, was tabled.

Yeas 71; Nays 18.

Yeas:

Mr. Speaker, Beasley, Biddle, Black, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Davis, Escott, Faulk, Ford, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Hall, Hammett, Harper, Higginbotham, Hogan, Johnson (RG), Junkins, Kennedy, Kvalheim Layson, Logan, Marietta, Mathis, McClain, McDowell, Melton, Moon, Newman, Parker, Payne, Penry, Perdue, Poole, Reed, Rogers, Seibels, Spratt, Starkey, Thomas, Turnham, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—71

Nays:

Reps. Adams, Beers, Blakeney, Curry, Dillard, Frazier, Grouby, Hamilton, Harvey, Holley, Hooper, Johnson (RW), Knight, Laird, Lindsey, McKee, Mikell and Slaughter.

—18

MOTION TO RECESS LOST

The motion offered by Rep. Dillard that the House recess until 10:00 o'clock a.m., was lost.

AMENDMENT OFFERED

Rep. Adams offered the following amendment to the bill, H. 27 as amended:

Amend H. B. 27 as substituted and amended on page 13, lines 12 through 19, by deleting the following language: "The sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 94; Nays 2.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Faulk, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Parker, Payne, Penry, Perdue, Petelos, Poole, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—94

Nays: Reps. Black and Grayson.

—2

AMENDMENT OFFERED

Rep. Haynes offered the following amendment to the bill, H. 27 as amended:

To amend the substitute to HB 27 on page 110 after line 9 by adding a new Section 10 as follows and renumbering the following sections accordingly:

“Section 10. All funds appropriated to the Alabama Alcoholic Beverage Control Board and the Attorney General’s office for the purpose of drug enforcement shall be transferred to the Department of Public Safety for said drug enforcement purposes.”

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 41; Nays 39.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Carothers, Carter, Escott, Faulk, Freeman, Fuller, Goodwin, Grayson, Hall, Harper, Haynes, Higginbotham, Holley, Johnson (RG), Kennedy, Mathis, McClain, Moon, Newman, Payne, Perdue, Poole, Rains, Richardson, Slaughter, Spratt, Starkey, Turner, White (G), White (L), Williams and Zoghby.

—41

Nays:

Reps. Adams, Blake, Blakeney, Breedlove, Brooks, Clark (W), Coburn, Cosby, Crow, Curry, Drake, Ford, Frazier, Gaston, Gray, Hamilton, Hammett, Hill, Hogan, Hooper, Junkins, Knight, Kvalheim, Laird, Lindsey, Logan, McDowell,

McMillan, Mikell, Penry, Petelos, Rogers, Seibels, Turnham, Venable, Warren, White (F), Willis and Wright.

—39

And the bill, H. 27 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 10.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Haynes, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—84

Nays:

Reps. Brooks, Cosby, Curry, Gaston, Gray, Hill, Knight, Kvalheim, Logan and McMillan.

—10

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Bugg would have voted "Yea" on the bill, H. 27, had she been in the Chamber at the time of voting.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Ford, the rules were suspended in order to take up out of order the bill, H. 95.

And the bill:

H. 95. To provide a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1989.

Was taken up.

SUBSTITUTE OFFERED

Rep. Ford offered the following substitute to the bill, H. 95:

A BILL TO BE ENTITLED AN ACT

To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1989.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Beginning with the first payday on or after October 1, 1988, all state employees who are listed in the classified and unclassified service of the state as defined in Section 36-26-10, Code of Alabama 1975, and all other state employees and hourly employees of the state, except those set out in Section 2 herein, and all legislative personnel, officers and employees, including but not limited to Legislative Reference Service personnel, whether subject to the state merit system or not, and all circuit clerks and registers and circuit judges, except as provided in Section 2 herein, and all employees of the county health departments who are employed subject to the state merit system and whose compensation is paid out of a budget provided and agreed upon by the state, county or other contributing agency under the direction of the state board of health shall receive a 7.5% salary increase. Any cost-of-living increase granted under the provisions of this Act shall in no way apply to any local supplement provided to any judges or any other employee of this state. All such increases shall be in addition to the salary received by such employees. It is the intention of the legislature that the Governor is hereby authorized to transfer such amounts to, from, and between such departments, boards, bureaus, commissions, agencies, offices, and institutions under his direct control for the purpose of paying the salary increase for state employees and officials.

Section 2. The provisions of this Act shall not apply to any merit system employee or hourly employee whose service or rates of pay are covered by any labor agreement or contract, nor shall this Act apply to state judges whose salaries are payable from the state treasury if such judges' salaries are increased under and by virtue of: (1) The recommendations contained in the Report of the Judicial Compensation Commission to the 1988 Regular Session of the legislature becoming law; or (2) the enactment into law of legislation altering and amending said report; or (3) any other legislation enacted into law during the 1988 Regular or Special sessions of the legislature.

Section 3. The director of the state personnel department shall revise the schedule or rates set forth in the pay plan for state employees and shall certify the same to the state comptroller, who shall issue warrants in accordance therewith. With respect to all court officials and employees within the Unified Judicial System who serve the trial and appellate courts of the state and the Administrative Office of Courts, the Administrative Director of Courts shall revise the schedule of rates set forth in the pay plan for such court officials and employees to reflect the increase provided herein, and shall certify the same to the state comptroller, who shall issue warrants in accordance therewith. With respect to the legislative employees, the secretary of the senate for senate employees, the clerk of the house of representatives for house employees, and the director of the Legislative Reference Service for Legislative Reference Service employees, and the director of the Legislative Fiscal Office for Legislative Fiscal Office employees shall revise the schedule or rates set forth in the pay plan for such legislative employees to reflect the increase provided herein, and shall certify the same to the state comptroller, who shall issue warrants in accordance therewith.

Section 4. Such amounts as may be necessary to pay state officials and employees the increased salaries are hereby appropriated for the fiscal year beginning October 1, 1988, from such funds as the salaries of the several state officials and employees are paid.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective on September 10, 1988, with the first payment on October 7, 1988 for all state officials and employees covered by this Act who are paid bi-weekly, and effective on October 1, 1988, for all state officials and employees covered by this Act whose salaries are set annually and who are paid semi-monthly, and upon approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 104; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—104

AMENDMENT OFFERED

Rep. Holmes offered the following amendment to the bill, H. 95 as amended:

Amend H. B. 95 on page 2 line 5 by striking the period after the word "employees" and inserting the following: "however, if the positions of Director of the Legislative Reference Service, Director of the Legislative Fiscal Office, Clerk of the House of Representatives, Secretary of the Senate, Director of the Alabama Law Institute and the Chief Examiner of the Examiners of Public Accounts received any salary increase during Fiscal Year 1987-88, the percentage cost-of-living increase granted in this Act shall be reduced by the amount of the percentage increase received during Fiscal Year 1987-88.

MOTION TO TABLE LOST

The motion offered by Rep. Ford to table the amendment offered by Rep. Holmes to the bill, H. 95 as amended, was lost.

Yeas 28; Nays 36.

Yeas:

Mr. Speaker, Beers, Blake, Bugg, Burke, Carter, Coburn, Cosby, Ford, Goodwin, Gray, Grouby, Hall, Harvey, Hill, Johnson (RW), Junkins, Lindsey, Marks,

Petelos, Poole, Turnham, Venable, Warren, White (F), White (G), Williams and Wright.

—28

Nays:

Reps. Beasley, Box, Breedlove, Britnell, Brooks, Buskey (JE), Buskey (JL), Butler, Curry, Escott, Fuller, Gaston, Grayson, Hamilton, Hammett, Holley, Holmes, Hooper, Knight, Logan, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikkell, Moon, Newman, Payne, Perdue, Seibels, Slaughter, Spratt, Starkey and Turner.

—36

AMENDMENT LOST

The question was then on the adoption of the amendment offered by Rep. Holmes to the bill, H. 95 as amended, and the amendment was lost.

Yeas 28; Nays 49.

Yeas:

Reps. Adams, Beasley, Beers, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Butler, Curry, Davis, Escott, Grayson, Hamilton, Holley, Holmes, Hooper, Mathis, McClain, McDowell, McKee, Payne, Perdue, Reed, Seibels, Spratt, Turner and Walker.

—28

Nays:

Mr. Speaker, Biddle, Blake, Blakeney, Box, Bugg, Burke, Campbell, Carter, Clark (W), Coburn, Cosby, Crow, Dillard, Drake, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harvey, Haynes, Hill, Hogan, Johnson (RW), Junkins, Kvalheim, Lindsey, Marks, McMillan, Moon, Newman, Poole, Rains, Richardson, Turnham, Venable, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—49

And the bill:

H. 95. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1989.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 103; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight,

Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—103

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 95:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

RECESS

On motion of Rep. Campbell, the House recessed until 1:00 o'clock p.m.

HOUSE RECONVENED

The hour of 1:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 95. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1989.

TOMMY CARTER,
Chairman.

And the bill, H. 95 as engrossed, was ordered sent to the Senate.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Dillard, the rules were suspended in order to take up out of order the bill, H. 237.

And the bill:

H. 237. Providing for officers for industrial development corporations organized under the authority of Chapter 20 of Title 11 of the Code of Alabama 1975.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 32; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Britnell, Brooks, Buskey (JL), Carothers, Coburn, Curry, Faulk, Fuller, Gaston, Grouby, Hamilton, Hammett, Harper, Haynes, Hogan, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Logan, Mathis, McMillan, Moon, Poole, Richardson, Slaughter and Venable.

—32

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Dillard, the rules were suspended in order to take up out of order the bill, H. 241.

And the bill:

H. 241. To amend Section 11-20-36 of the Code of Alabama 1975, relating to boards of directors of industrial development corporations, so as to provide further for such directors.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Britnell, Brooks, Burke, Buskey (JL), Butler, Carothers, Clark (W), Curry, Davis, Faulk, Fuller, Gaston, Goodwin, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Hogan, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Logan, Marietta, Mathis, McMillan, Moon, Newman, Payne, Petelos, Richardson, Slaughter, Starkey, Venable, Walker, White (G), White (L), Williams and Wright.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 115. Relating to Madison County; to exempt from all county, local or municipal ad valorem taxes all property owned and used by the Huntsville Land Trust, Incorporated.

Was read a third time at length and passed.

Yeas 33; Nays 0.

Yeas:

Reps. Beers, Blake, Britnell, Brooks, Buskey (JL), Butler, Curry, Flowers, Gaston, Gray, Hamilton, Hammett, Knight, Kvalheim, Laird, Logan, McMillan, Mikell, Moon, Newman, Payne, Perdue, Petelos, Richardson, Slaughter, Starkey, Turnham, Venable, Walker, White (G), White (L), Williams and Wright.

—33

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 349. Relating to Marion County; authorizing the county board of health to designate the services rendered by the county health department for which a reasonable fee may be charged and to set the appropriate fee for each service; and providing that no citizen shall be denied any service because of that person's inability to pay.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Blake, Britnell, Brooks, Buskey (JE), Buskey (JL), Butler, Carothers, Clark (W), Crow, Curry, Dillard, Faulk, Grouby, Hamilton, Hammett, Harvey, Haynes, Hogan, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Logan, Mathis, McMillan, Mikell, Moon, Newman, Payne, Petelos, Poole, Richardson, Slaughter, Starkey, Thomas, Turnham, Venable, Walker, White (G), White (L), Williams, Willis and Wright.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 352. Relating to Franklin County; amending Act No. 88-562, S. 667, 1988 Regular Session (Acts 1988, p. 881), levying a county privilege, license

or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, so as to provide further for the collection and enforcement of the tax; and for the distribution of the proceeds therefrom.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Britnell, Brooks, Buskey (JE), Butler, Carothers, Clark (W), Crow, Curry, Dillard, Faulk, Gaston, Hamilton, Hammett, Johnson (RG), Kennedy, Knight, Kvalheim, Logan, Marietta, Mathis, McMillan, Mikell, Moon, Newman, Payne, Petelos, Richardson, Slaughter, Starkey, Thomas, Turnham, Venable, White (G), White (L), Williams, Willis and Wright.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 353. Relating to Marion County; providing for the merging of the budgetary operations of the tax assessor's office; providing that said office shall be financed on a pro rata share basis from proceeds of state, county and municipal ad valorem taxes collected in the county; providing certain exceptions and providing for supplemental effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blakeney, Britnell, Brooks, Bugg, Buskey (JL), Butler, Carothers, Clark (W), Crow, Curry, Faulk, Fuller, Gaston, Grouby, Hamilton, Hammett, Harvey, Haynes, Hogan, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Logan, Marietta, Mathis, McMillan, Mikell, Moon, Newman, Payne, Petelos, Poole, Richardson, Slaughter, Starkey, Thomas, Turner, Turnham, Venable, Walker, White (G), White (L), Willis and Wright.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 354. (With Substitute): Relating to Dale County; providing further for the distribution of the beer taxes levied by Act No. 82-344, H. 165, 1982 Regular Session.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 1, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Dale County; providing further for the distribution of the beer taxes levied by Act No. 82-344, H. 165, 1982 Regular Session.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Any law to the contrary notwithstanding, in Dale County, the proceeds of the beer tax collected pursuant to Act No. 82-344, H. 165, 1982 Regular Session shall be paid to the County Commission and distributed as follows:

1. 44.17% to the Dale County Commission;
2. The remaining 55.83% of the tax shall be distributed to each municipality according to beer sales in its respective corporate limits.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blakeney, Britnell, Brooks, Bugg, Buskey (JL), Butler, Carothers, Clark (W), Crow, Curry, Faulk, Fuller, Gaston, Grouby, Hamilton, Hammett, Harvey, Haynes, Hogan, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Logan, Marietta, Mathis, McMillan, Mikell, Moon, Newman, Payne, Petelos, Poole, Richardson, Slaughter, Starkey, Thomas, Turner, Turnham, Venable, Walker, White (G), White (L), Willis and Wright.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 354 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Reps. Adams, Beasley, Beers, Black, Blake, Blakeney, Brooks, Buskey (JL), Carothers, Clark (W), Crow, Curry, Dillard, Faulk, Gaston, Grouby, Hamilton, Hammett, Harvey, Haynes, Hogan, Hooper, Johnson (RG), Kennedy, Knight, Kvalheim, Laird, Logan, Marks, Mathis, McMillan, Moon, Parker, Payne, Petelos, Poole, Reed, Richardson, Slaughter, Starkey, Thomas, Turner,

Turnham, Venable, Walker, White (F), White (G), White (L), Williams, Willis and Wright.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Turnham, the rules were suspended in order to take up out of order the bill, H. 317.

And the bill:

H. 317. Providing for elected superintendents of education to participate in the teachers' retirement system upon ratification of an amendment to the Constitution of Alabama 1901 allowing such elected superintendents to participate in such retirement system.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Reps. Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Harper, Harvey, Higginbotham, Hogan, Holley, Johnson (RW), Junkins, Kennedy, Knight, Laird, Layson, Lindsey, Logan, Mathis, Marietta, Marks, Mathis, McClain, McDowell, Mikell, Moon, Newman, Newton, Parker, Payne, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—79

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 317:

Reps. Biddle, Blake, Blakeney, Breedlove, Bugg, Burke, Buskey (JL), Carter, Cosby, Curry, Davis, Dillard, Escott, Faulk, Ford, Gray, Grouby, Hamilton, Hammett, Harvey, Haynes, Hogan, Johnson (RG), Junkins, Kennedy, Knight, Laird, Logan, Mathis, McClain, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Perdue, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Venable, White (L) and Williams.

RESOLUTION

The following resolution was introduced:

By Rep. Gray:

H. R. 158. URGING A RETRACTION BY THE EDITOR OF ERRONEOUS INFORMATION PUBLISHED IN A WEEKLY PUBLICATION OR WEEKLY RADIO ADDRESS.

WHEREAS, on page three of the September 2, 1988, issue of a weekly publication or Radio address, the pictures and names of 34 members of this body appeared under the headline, "they voted for only a 5% raise," while 58 members pictured and named on page two are identified as those voting to "fund a 7.5% raise"; and

WHEREAS, in paragraph three of this article The Editor refers to a vote on a Ways and Means Committee substitute for a 7.5% raise as being the "crucial vote" on salaries; and

WHEREAS, in reality, however, the "crucial vote," resulting in approval by the House of the 7.5% increase in educators' salaries, was on HB 65 which is duly recorded in the official House Journal, showing that the bill passed by a vote of 93-0, a mathematical impossibility had 34 members voted for only a 5% raise; and

WHEREAS, The Editor, we assume, will agree that, in simple arithmetic, two plus two still equals four, just as it still takes 58—those identified as voting for the 7.5% raise—plus 35 to equal the 93 yeas recorded for HB 65; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby urge The Editor, of the Weekly Publication or Radio Address with its circulation of 64,000 misinformed subscribers, to publish a retraction of the erroneous information in the aforementioned article and that said retraction again include pictures and names of those so falsely accused.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to immediately forward a copy of this resolution to Paul R. Hubbert and Governor Hunt, and that a copy also be forwarded to Mr. Garland Pounds, president of the Alabama Education Association.

The motion offered by Rep. Gray to suspend the rules and adopt the resolution, H. R. 158, was lost.

Yeas 15; Nays 41.

Yeas:

Reps. Beasley, Buskey (JE), Curry, Escott, Gray, Newton, Petelos, Reed, Seibels, Spratt, Starkey, Thomas, Turner, Williams and Wright.

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Nays:

Mr. Speaker, Adams, Biddle, Black, Blake, Breedlove, Bugg, Burke, Carter, Clark (W), Faulk, Ford, Freeman, Fuller, Grouby, Hall, Hammett, Harvey, Haynes, Higginbotham, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Marietta, Marks, Mathis, McClain, McDowell, Melton, Mikell, Moon, Newman, Parker, Richardson, Slaughter, Venable, White (G), White (L) and Zoghby.

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The resolution, H. R. 158, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 42. To provide for the creation of a special account to which the Legislature shall appropriate certain funds to prevent proration of the Alabama Special Educational Trust Fund; to prescribe criteria and procedures for withdrawals from such account in years of proration or in emergency situations as may be determined by the Legislature; to make annual appropriations to such account until a certain amount is established and to provide that such amount shall be maintained in separate trust from year to year except during years of proration in the Alabama Special Educational Trust Fund and in emergencies; to prescribe procedures and criteria for reimbursement to such account after withdrawals; to provide for an effective date; and to repeal conflicting provisions.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Harper, the House concurred in and adopted the Senate amendment to the bill, H. 42, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for the creation of a special account to which the Legislature shall appropriate certain funds to prevent proration in the Alabama Special Educational Trust Fund; to prescribe criteria and procedures for withdrawals from such account in years of proration or in emergency situations as may be determined by the Legislature; to make annual appropriations to such account until a certain amount is established and to provide that such amount shall be maintained in separate trust from year to year except during years of proration in the Alabama Special Educational Trust Fund and in emergencies; to prescribe procedures and criteria for reimbursement to such account after withdrawals; to provide for the retention of accrued interest; to provide for an effective date; and to repeal conflicting provisions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. SHORT TITLE. This Act shall be known as The Proration Prevention Act of 1988.

Section 2. ESTABLISHMENT OF PRORATION PREVENTION ACCOUNT.

There is hereby created and shall be a distinct and separate fund established within the state treasury, to be known as the Proration Prevention Account, to which monies shall be deposited as provided herein for the purpose of preventing proration of funds which have been appropriated by the Legislature from the Alabama Special Educational Trust Fund. Monies which accrue in the Proration Prevention Account shall not be subject to appropriation except as provided in this Act.

Section 3. APPROPRIATIONS. The following monies are hereby appropriated to the Proration Prevention Account:

(a) The twenty-one million dollars (\$21,000,000) appropriated in the Alabama Special Educational Trust Fund Appropriations Act for the fiscal year beginning on October 1, 1988;

(b) Eight million dollars (\$8,000,000) shall thereafter be appropriated from the Alabama Special Educational Trust Fund to said account at the end of each succeeding fiscal year (except during years of actual proration) until said account shall have attained an amount of at least seventy-five million dollars (\$75,000,000) including accrued interest. All monies appropriated to and contained in the Proration Prevention Account shall be maintained in said account from year to year except as provided in this Act. The appropriations provided in this subsection shall be allocated before any conditional appropriation.

Section 4. WITHDRAWALS. Money in the Proration Prevention Account may be withdrawn only:

(a) To prevent proration in the Alabama Special Educational Trust Fund. The Governor of the State of Alabama must certify to the State Comptroller and notify the Legislature that proration would occur in the Alabama Special Educational Trust Fund before funds could be withdrawn. Upon said certification by the Governor, withdrawals may be executed under the direction of the Governor; however, withdrawals must be limited to the amount of the anticipated proration and funds allotted only to the extent necessary to avoid proration of appropriations in the Alabama Special Educational Trust Fund, or

(b) In emergency situations as determined by the Legislature and then only by a joint resolution with a recorded vote of at least two-thirds of the membership of each legislative chamber.

Section 5. REPAYMENT. Monies withdrawn under the provisions of Section 4 of this Act shall be repaid in full during the next succeeding fiscal year, or repaid through an appropriation of eight million dollars (\$8,000,000) per fiscal year, or as may be otherwise provided by the Legislature until said account is restored to a minimum of seventy-five million dollars (\$75,000,000). Repayment of funds may be suspended during those fiscal years in which the Alabama Special Educational Trust Fund is actually prorated. Repayment of monies withdrawn from said account shall not be required during a fiscal year in which said repayment will cause proration.

Section 6. INTEREST. Any monetary interest which accrues in the Proration Prevention Account shall be retained in said account from year to year and shall be subject only to the provisions of this Act.

Section 7. REVERSION TO TRUST FUND. Any amount of money in the Proration Prevention Account which is in excess of 10 percent of the preceding year's Alabama Special Educational Trust Fund Appropriations Act shall revert back to the Alabama Special Educational Trust Fund for the support and maintenance of public education.

Section 8. SEVERABILITY. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. REPEALER. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 10. **EFFECTIVE DATE.** This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Dillard, Escott, Faulk, Ford, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 224. To amend Section 36-1-6.1 of the Code of Alabama 1975, relating to insurance coverage for state employees or agents of the state, so as to provide that such coverage includes individuals serving as foster parents approved by the Department of Human Resources.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Junkins, Bugg and Ford:

H. R. 159. COMMENDING G. LEWIS MITCHELL, JR.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and sends same herewith to the House:

By Senator Smith (J):

S. 8. To amend section 13A-6-4, Code of Alabama 1975, to provide that criminally negligent homicide is a Class C felony.

Also:

By Senator Smith (B):

S. 189. To further amend Section 40-3-7, Code of Alabama 1975, as amended, relating to term of service of schedule and compensation for members of the several county boards of equalization, so as to further provide for certain of those members whose counties have had an increase in population and total taxable property, 196,966 inhabitants and in excess of \$862,000,000 respectively, based on the latest available official figures; and to provide for the effective date.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 8. Judiciary.

S. 189. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and sends same herewith to the House:

By Senators Bennett, Bedford, Dial, Dixon, Hale, Horn, Langford, and Campbell:

S. 126. To amend Section 22-27-5, Code of Alabama 1975, as amended, relating to solid waste disposal fees, permits and bonds, so as to prescribe certain minimum surety bond requirements for out-of-state shippers of household garbage, in order to protect the health, safety and welfare of the citizens of this state.

Also:

By Senator deGraffenried:

S. 201. To amend Act 88-475, as amended, 1988 Regular Session, which act creates the Alabama Mental Health Finance Authority and provides for mental health projects of the Authority, and financing of such projects; so as to authorize the Authority to enter into any necessary financial instruments or obligations with the Retirement Systems of Alabama in order to secure

financing for the funding of projects of the Authority; to provide that such financing shall be payable solely from the taxes appropriated and pledged in Section 16 of Act 88-475, as amended; and to amend Section 16 of Act 88-475, as amended, so as to appropriate and pledge as additional security for bonds authorized pursuant to Act 88-475, as amended, all or a portion of the proceeds of the tax levied in House Bill 351 as approved by the Alabama Legislature in the First Special Session, 1988.

Also:

By Senator Barron (With Notice and Proof):

S. 204. Relating to the city of Fort Payne, DeKalb County, Alabama; authorizing such city the rights to establish, purchase, construct, maintain and operate a television cable service for their residents and within its corporate jurisdiction; authorizing the City of Fort Payne to utilize certain eminent domain powers within its jurisdiction with respect to the establishment, purchasing, constructing, maintaining and operation of a television cable service.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 204, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 126. Judiciary.

S. 201. State Administration.

S. 204. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senators Bennett and Cabaniss:

S. 57. Proposing an amendment to Amendment No. 448 of the Constitution of Alabama of 1901, as amended, which provides that the paramount duty of the legislature shall be to make basic appropriations at regular sessions so as to provide that the provision shall not take effect until the 16th legislative day of each regular session and it removes the provision allowing the legislature to pass a resolution (B.I.R.) suspending the provisions of this constitutional requirement.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, S. 57, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Judiciary.

RESOLUTION

The following resolution was introduced:

By Reps. White (F), Warren, Hammett and Turner:

H. R. 160. URGING THE U.S. FORESTRY SERVICE AND THE ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES TO POSTPONE IMPLEMENTATION OF A PROPOSED PLAN TO PLACE SEVERE RESTRICTIONS ON DEER HUNTING WITH DOGS IN THAT PORTION OF THE CONECUH NATIONAL FOREST THAT LIES WITHIN ESCAMBIA COUNTY UNTIL SUCH TIME AS BOTH A MORE IN-DEPTH STUDY ON THE EFFECTS OF SUCH DEER HUNTING CAN BE CONDUCTED AND PUBLIC HEARINGS CAN BE HELD ON SUCH PROPOSED PLAN.

WHEREAS, it has been brought to the attention of this Legislature that the U.S. Forestry Service and the Alabama Department of Conservation and Natural Resources have entered into an agreement whereby the number of days in which deer may be legally hunted with dogs in the Conecuh National Forest will be reduced from 40 days to 6 days; and

WHEREAS, many citizens of Escambia County who reside in this forest area have recently reported that deer in said forest are larger and more plentiful than ever before and that the deer population has grown so in recent years that it represents a substantial menace to crops in this area; and

WHEREAS, the U.S. Forestry Service and the Alabama Department of Conservation and Natural Resources have not planted food plots for deer in this area for the past five years because they have not detected any decrease in the deer population; and

WHEREAS, only 3 percent of all deer killed each season are killed by hunters using dogs; and

WHEREAS, the Escambia County Commission has asked for and been denied a public hearing on this restrictive agreement; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we do hereby urge the U.S. Forestry Service and the Alabama Department of Conservation and Natural Resources to postpone implementation of a proposed plan to place severe restrictions on deer hunting with dogs in that portion of the Conecuh National Forest that lies within Escambia County until such time as both a more in-depth study on the effects of such deer hunting can be conducted and public hearings can be held on such proposed plan.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to the U.S. Forestry Service and the Commissioner of the Alabama Department of Conservation and Natural Resources.

On motion of Rep. White (F), the rules were suspended and the resolution, H. R. 160, was adopted.

H. 253 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 253, was temporarily carried over.

H. 257 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 257, was temporarily carried over.

H. 256 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 256, was temporarily carried over.

H. 255 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 255, was temporarily carried over.

H. 254 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 254, was temporarily carried over.

H. 252 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 252, was temporarily carried over.

H. 250 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 250, was temporarily carried over.

H. 248 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 248, was temporarily carried over.

H. 247 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 247, was temporarily carried over.

H. 246 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 246, was temporarily carried over.

H. 245 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 245, was temporarily carried over.

H. 244 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 244, was temporarily carried over.

H. 97 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 97, was temporarily carried over.

H. 249 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 249, was temporarily carried over.

H. 41 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 41, was temporarily carried over.

H. 31 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 31, was temporarily carried over.

H. 251 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 251, was temporarily carried over.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Johnson (RW), the rules were suspended in order to take up out of order the bill, S. 107.

And the bill:

S. 107. To further regulate the advertising by dentists, and the fees of dentists for administering anesthesia intravenous sedation; and to further amend Sections 34-9-19, 34-9-60, 34-9-61, 34-9-63 and 34-9-64, Code of Alabama 1975, as amended, relating to fees and advertising, so as to further provide therefor.

Was read a third time at length and passed.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Box, Breedlove, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Cosby, Curry, Dillard, Faulk, Flowers, Ford, Gaston, Gray, Grouby, Hammett, Harvey, Higginbotham, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Slaughter, Starkey, Thomas, Turner, Venable, Warren, White (F), White (L), Williams, Willis, Wright and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Adams, the rules were suspended in order to take up out of order the bill, H. 345.

H. 345 TEMPORARILY CARRIED OVER

On motion of Rep. Adams, the bill, H. 345, was temporarily carried over.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Buskey (JL), the rules were suspended in order to take up out of order the bill, H. 219.

And the bill:

H. 219. To prohibit any state or county inmate from being employed by any district attorney, judge, or sheriff, or any parent, sibling, or child of any district attorney, judge, or sheriff, or for any business one-third or more of which is owned by any district attorney, judge, or sheriff, or any parent, sibling, or child of any district attorney, judge, or sheriff; and to provide a misdemeanor penalty.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Box, Brooks, Bryant, Buskey (JE), Buskey (JL), Clark (W), Coburn, Cosby, Curry, Dillard, Gaston, Grayson, Hall, Hammett, Higginbotham, Hogan, Holmes, Hooper, Knight, Logan, Marietta, Marks, McKee, Mikell, Parker, Richardson, Thomas, Turner, Venable, Walker and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Johnson (RG), the rules were suspended in order to take up out of order the bill, H. 296.

And the bill:

H. 296. To amend further sections 16-25-14 and 36-27-16, Code of Alabama 1975, relating to retirement benefits under the Teachers' and Employees' Retirement Systems, so as to provide for disability retirement in cases of service retirement upon completion of twenty-five years of creditable service.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Box, Brooks, Bryant, Buskey (JL), Carothers, Carter, Coburn, Cosby, Crow, Curry, Dillard, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Grayson, Grouby, Hall, Hammett, Haynes, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Laird, Logan, Marks, Mathis, McKee, McMillan,

Mikell, Moon, Newman, Newton, Parker, Penry, Petelos, Richardson, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White (L), Williams, Willis, Wright and Zoghby.

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CO-SPONSOR ADDED

Rep. Ford was added as co-sponsor to the bill, H. 296.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Knight, the rules were suspended in order to take up out of order the bill, H. 288.

And the bill:

H. 288. Relating to motor vehicle licenses, registration and parking; to amend Sections 32-6-230, 32-6-231, 32-6-232, 32-6-233, 32-6-233.1 and 32-6-234 of the Code of Alabama 1975, so as to provide that certain temporarily handicapped individuals shall be granted temporary distinctive license plate decals or identification placards for use in special parking places reserved for handicapped persons; to authorize reciprocal agreements with other states regarding such parking places and to provide penalties for misuse and abuse of such parking places.

Was taken up.

SUBSTITUTE OFFERED

Rep. Knight offered the following substitute to the bill, H. 288:

A BILL
TO BE ENTITLED
AN ACT

Relating to motor vehicle licenses, registration and parking; to amend Sections 32-6-230, 32-6-231, 32-6-232, 32-6-233, 32-6-233.1 and 32-6-234 of the Code of Alabama 1975, so as to provide that certain temporarily handicapped individuals shall be granted temporary identification placards for use in special parking places reserved for handicapped persons; to authorize reciprocal agreements with other states regarding such parking places and to provide penalties for misuse and abuse of such parking places.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 32-6-230, 32-6-231, 32-6-232, 32-6-233, 32-6-233.1 and 32-6-234 of the Code of Alabama 1975, are hereby amended to read as follows:

“§32-6-230.

“(a) For purposes of this division the term ‘handicapped individual’ means any person having a permanent mental or physical handicap, which limits mobility to the extent that the individual would have difficulty safely walking alone a distance of 50 feet or more.

“(b) For purposes of this division the term ‘temporary handicapped individual’ means any person having a temporary mental or physical handicap, which limits mobility to the extent that the individual would have difficulty

safely walking alone a distance of 50 feet or more for a period up to one year.”

“§32-6-231.

“Beginning with the implementation of the staggered system of motor vehicle license plate registration, any person who submits to the judge of probate, license commissioner or other issuing authority medical proof satisfactory to the commissioner of revenue that he or she is a handicapped individual, as herein defined, shall be issued a distinctive license plate decal and a special identification placard displaying the international symbol of access thereby designating the driver of the vehicle or the passenger as being a handicapped person. The distinctive license decals and placards provided herein shall be prepared by the commissioner of revenue and shall be issued in the same manner as motor vehicle license plates and the issuing officers shall be entitled to their regular fees for such services. Provided, however, the fee for these distinctive license decals and placards shall not be greater than the regular license tax prescribed by law. The commissioner of revenue is authorized to make any rules or regulations necessary to carry out the provisions of this division. The temporarily handicapped driver or temporarily handicapped individual without a driver's license or an automobile shall be issued a temporary identification placard for a period valid up to one year upon submission of satisfactory medical proof to the judge of probate, covered under Section 32-6-230(b).”

“§32-6-232.

“The handicapped individuals and temporarily handicapped individuals to whom these distinctive license decals and placards are issued shall be allowed to park for unlimited periods in parking zones designated for handicapped persons. Provided, however, that such handicapped persons shall pay parking fees the same as any other person. The provisions of this section shall not apply to zones where stopping, standing, or parking is prohibited to all vehicles or which are reserved for special types of vehicles, nor will these provisions apply where there is a local ordinance prohibiting parking during heavy traffic periods during morning, afternoon, or evening rush hours, or where parking would clearly present a traffic hazard. All parking places for handicapped persons shall comply with ANSI A. 117.1 (1980) standards.”

“§32-6-233.

“Any person who is not a handicapped individual, or temporarily handicapped individual, as herein defined, and who willfully and falsely represents himself or herself as a handicapped or a temporarily handicapped person to obtain the distinctive decals and placards prescribed by this division or misuses or abuses the parking privilege protected by this division, or owns a vehicle bearing the distinctive license decals and is not entitled to do so under the provisions of this division, shall be guilty of a Class B misdemeanor and, upon conviction, shall be punished according to law.”

“§32-6-233.1.

“(a) It shall be unlawful for any person who does not have a distinctive handicapped or temporarily handicapped decal or placard as provided in section 32-6-231, to park a motor vehicle in a parking place designated for the handicapped at any place of public accommodation, amusement or resort or any other place to which the general public is invited, even though located on private property, and upon conviction thereof, shall be fined \$15.00 per

occurrence. Such fines shall be paid in the same manner as other municipal fines for driving violations.

“(b) Any authorized municipal, county or state law enforcement officer may go onto private property to enforce the provisions of this section.

“(c) The provisions of this section shall be held in *pari materia* with all other provisions of law related to illegal handicapped parking violations; provided, however, that all laws or parts of laws which conflict with the provisions of this section are hereby repealed.”

“§32-6-234.

“The commissioner of revenue is hereby authorized to enter into reciprocal agreements with other states concerning parking privileges for handicapped and temporarily handicapped individuals.”

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. The substantive provisions of this amendatory act shall become effective and shall be implemented by the commissioner and the department of revenue four months after the effective date of this act.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Blakeney, Bowling, Box, Brooks, Bryant, Bugg, Carothers, Carter, Cosby, Crow, Dillard, Escott, Faulk, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton, Payne, Penry, Perdue, Petelos, Poole, Richardson, Spratt, Starkey, Thomas, Venable, Warren, White (L), Willis and Zoghby.

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And the bill:

H. 288. Relating to motor vehicle licenses, registration and parking; to amend Sections 32-6-230, 32-6-231, 32-6-232, 32-6-233, 32-6-233.1 and 32-6-234 of the Code of Alabama 1975, so as to provide that certain temporarily handicapped individuals shall be granted temporary identification placards for use in special parking places reserved for handicapped persons; to authorize reciprocal agreements with other states regarding such parking places and to provide penalties for misuse and abuse of such parking places.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Carothers, Crow, Curry, Dillard, Escott, Faulk, Flowers,

Fuller, Grouby, Hammett, Haynes, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Newton, Payne, Penry, Perdue, Poole, Richardson, Spratt, Starkey, Thomas, Venable, Warren, White (L), Willis, Wright and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Thomas to suspend the rules in order to take up out of order the bill, S. 165, was lost, lacking a four-fifths vote.

Yeas 46; Nays 20.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Blakeney, Brooks, Bryant, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Dillard, Escott, Fuller, Gaston, Gray, Grayson, Grouby, Hammett, Higginbotham, Hill, Hogan, Holmes, Kennedy, Knight, Marks, Mathis, McClain, McMillan, Mikell, Newton, Perdue, Petelos, Poole, Reed, Richardson, Spratt, Thomas, Venable, Warren, White (L), Williams and Zoghby.

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Nays:

Reps. Beers, Biddle, Bugg, Curry, Ford, Freeman, Hall, Harvey, Holley, Johnson (RW), Junkins, Laird, Lindsey, McKee, Moon, Newman, Payne, Walker, White (G) and Wright.

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RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Turnham:

H. R. 161. MOURNING THE DEATH OF LOWELL E. WILSON OF AUBURN, ALABAMA.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 42. To provide for the creation of a special account to which the Legislature shall appropriate certain funds to prevent proration in the Alabama Special Educational Trust Fund; to prescribe criteria and procedures

for withdrawals from such account in years of proration or in emergency situations as may be determined by the Legislature; to make annual appropriations to such account until a certain amount is established and to provide that such amount shall be maintained in separate trust from year to year except during years of proration in the Alabama Special Educational Trust Fund and in emergencies; to prescribe procedures and criteria for reimbursement to such account after withdrawals; to provide for the retention of accrued interest; to provide for an effective date; and to repeal conflicting provisions.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Campbell:

H. R. 162. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Wednesday, September 14, 1988, we adjourn to meet again on Thursday, September 15, 1988, at 10:00 A.M.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. R. 162, was adopted.

Also:

By Rep. Haynes:

H. J. R. 163. COMMENDING C. J. HALLMARK FOR DISTINGUISHED SERVICE WITH THE TALLADEGA COUNTY SHERIFF'S DEPARTMENT.

WHEREAS, the Alabama Legislature notes with commendation and esteem the distinguished service rendered by C. J. "Skippy" Hallmark with the Talladega County Sheriff's Department since 1979; and

WHEREAS, shortly after joining the department, Skippy Hallmark attained the rank of Sergeant and is retiring September 30, 1988, as Deputy Sheriff; and

WHEREAS, Deputy Sheriff Hallmark, who previously served from 1971 to 1979 with the Talladega Police Department, has indeed distinguished himself as an outstanding law enforcement officer and one whose unblemished record is worthy of highest praise; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished

service to the citizens of Talladega County, we hereby commend Deputy Sheriff C. J. "Skippy" Hallmark, whom we hold in warmest personal regard and to whom a copy of this resolution shall be presented.

On motion of Rep. Haynes, the rules were suspended and the resolution, H. J. R. 163, was adopted.

Also:

By Rep. Holley:

H. J. R. 164. CREATING A STATE ENVIRONMENTAL LAW ENFORCEMENT COMMITTEE.

WHEREAS, Alabama is a member of The National Environmental Enforcement Council; said National Council being responsible for coordinating environmental law enforcement across the nation; and

WHEREAS, Alabama has been instrumental in creating a Regional Environmental Enforcement Network known as the Southern Environmental Enforcement Network; and

WHEREAS, there is a need to establish a State-wide Environmental Enforcement organization to interface with the Regional and National organizations.

NOW THEREFORE BE IT RESOLVED By the Legislature of Alabama that a State Environmental Law Enforcement Committee consisting of one representative from the Alabama Bureau of Investigations, and one enforcement attorney from the Department of Conservation and Natural Resources, one enforcement attorney from the Alabama Department of Environmental Management, one enforcement attorney from the State Health Department, one enforcement attorney from the Alabama Surface Mining Commission, one enforcement attorney from the Attorney General's office, one attorney from the Oil and Gas Board, and one representative from the District Attorneys Association is hereby created; and

BE IT FURTHER RESOLVED that the State Environmental Enforcement Committee meet at least quarterly in the offices of the Attorney General, who shall chair the committee, to insure coordination with regional and national environmental enforcement organizations and that no appropriations be made to said Environmental Enforcement Committee.

On motion of Rep. Holley, the rules were suspended and the resolution, H. J. R. 164, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Junkins, Bugg and Ford:

H. R. 165. COMMENDING JERRY B. JONES FOR DISTINGUISHED SERVICE TO THE CITIZENS OF ETOWAH COUNTY.

MOTION TO ADJOURN LOST

The motion offered by Rep. Freeman that the House adjourn until 10:00 o'clock a.m., Thursday, September 15, 1988, was lost.

Yeas 35; Nays 46.

Yeas:

Reps. Black, Bowling, Box, Breedlove, Buskey (JE), Clark (W), Davis, Escott, Freeman, Fuller, Gaston, Hall, Harper, Hettinger, Holmes, Johnson (RW), Junkins, Kennedy, Layson, Lindsey, Logan, Marietta, McClain, McDowell, Melton, Moon, Newman, Newton, Parker, Perdue, Reed, Rogers, Spratt, Starkey and Thomas.

—35

Nays:

Mr. Speaker, Adams, Beasley, Biddle, Blake, Brooks, Bryant, Bugg, Butler, Carothers, Cosby, Curry, Faulk, Flowers, Gray, Grouby, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Knight, Laird, Marks, Mathis, McKee, McMillan, Mikell, Payne, Penry, Poole, Richardson, Seibels, Slaughter, Venable, Walker, Warren, White (G), White (L), Williams and Zoghby.

—46

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 288. Relating to motor vehicle licenses, registration and parking; to amend Sections 32-6-230, 32-6-231, 32-6-232, 32-6-233, 32-6-233.1 and 32-6-234 of the Code of Alabama 1975, so as to provide that certain temporarily handicapped individuals shall be granted temporary identification placards for use in special parking places reserved for handicapped persons; to authorize reciprocal agreements with other states regarding such parking places and to provide penalties for misuse and abuse of such parking places.

TOMMY CARTER,
Chairman.

And the bill, H. 288 as engrossed, was ordered sent to the Senate.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Brooks, the rules were suspended in order to take up out or order the bill, H. 185.

And the bill:

H. 185. To propose that any person or candidate involved in certain election contests is entitled to make an examination of the ballots cast, given, or rejected in the election and provides the procedures for examination of the ballots cast, given, or rejected.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Carothers, Clark (W), Cosby, Crow, Curry, Dillard, Escott, Faulk, Freeman, Gaston, Grouby, Hall, Hamilton, Hammett, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Petelos, Poole, Richardson, Seibels, Slaughter, Spratt, Thomas, Venable, Walker, Warren, White (L), Williams, Willis, Wright and Zoghby.

—70

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Bugg, the rules were suspended in order to take up out of order the bill, H. 179.

And the bill:

H. 179. To amend Section 13A-14-2, Code of Alabama 1975, which relates to the Sunshine Law, so as to provide for notice of meetings and to increase the penalties for violations.

Was taken up.

AMENDMENT OFFERED

Rep. Bugg offered the following amendment to the bill, H. 179:

Amend H. B. 179 on page 2, Section b, line 10 by adding after the words same county the following:

In the event an emergency meeting is necessary, the Board should notify members of the news media who have in writing previously requested notification of emergency meetings in the same manner that Board members are notified and immediately after modification of Board members.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 80; Nays 2.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blake, Blakeney, Bowling, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Carothers, Carter, Clark (W), Cosby, Crow, Curry, Dillard, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McKee, McMillan, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—80

Nays: Reps. Holley and Venable.

—2

AMENDMENT OFFERED

Rep. Carothers offered the following amendment to the bill, H. 179 as amended:

Amend H. B. 179 on page 1, Section 1, line 20, after the word "boards," by adding the following: except industrial boards,

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 69; Nays 4.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Blakeney, Breedlove, Brooks, Bryant, Bugg, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Dillard, Faulk, Flowers, Ford, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Junkins, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, McKee, McMillan, Moon, Newman, Newton, Parker, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (G), White (L), Williams, Willis and Zoghby.

—69

Nays: Reps. Holley, Johnson (RW), Mathis and Venable.

—4

And the bill, H. 179 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Bowling, Breedlove, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Dillard, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McKee, McMillan, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—83

Nay: Rep. Higginbotham.

—1

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. White (G), the rules were suspended in order to take up out of order the bill, H. 344.

Yeas 60; Nays 2.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Blake, Blakeney, Breedlove, Brooks, Campbell, Carothers, Carter, Clark (W), Cosby, Curry, Escott, Faulk, Flowers,

Ford, Freeman, Gaston, Hall, Hamilton, Hammett, Harvey, Haynes, Hettinger, Higginbotham, Hill, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McKee, McMillan, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Reed, Richardson, Rogers, Slaughter, Spratt, Venable, Walker, Warren, White (G), White (L), Williams, Wright and Zoghby.

—60

Nays: Reps. Grayson and Turner.

—2

And the bill:

H. 344. To amend Section 40-12-223, Code of Alabama 1975, for the purpose of exempting from the leasing tax imposed by Sections 40-12-220 through 40-12-227, Code of Alabama 1975, the gross proceeds derived from the leasing of tangible personal property pursuant to a sale-lease back financing that meets certain conditions, including the initial acquisition of such property by the lessee or by an entity controlled by, or under common control with, the lessee, the subsequent sale of such property to the lessor, and the leasing back of such property from the lessor by the lessee pursuant to a lease which, among other things, has a term of not less than fifteen years and does not constitute a sale for either Alabama or federal income tax purposes or both.

Was taken up.

SUBSTITUTE OFFERED

Rep. White (G) offered the following substitute to the bill, H. 344:

A BILL TO BE ENTITLED AN ACT

To amend Section 40-12-223, Code of Alabama 1975, for the purpose of exempting from the leasing tax imposed by Sections 40-12-220 through 40-12-227, Code of Alabama 1975, the gross proceeds derived from the leasing of tangible personal property pursuant to a sale-lease back financing that meets certain conditions, including the initial acquisition of such property by the lessee or by an entity controlled by, or under common control with, the lessee, the subsequent sale of such property to the lessor, and the leasing back of such property from the lessor by the lessee pursuant to a lease which, among other things, has a term of not less than fifteen years and does not constitute a sale for either Alabama or federal income tax purposes or both.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-12-223, Code of Alabama 1975, is hereby amended to read as follows:

“§ 40-12-223. Exemptions.

There are exempted from the computation of the amount of the tax levied, assessed or payable under this article the following:

- (1) The gross proceeds accruing from the leasing or rental of a film or films to a lessee who charges, or proposes to charge, admission for viewing the said film or films;

(2) The gross proceeds accruing from any charge in respect to the use of docks or docking facilities furnished for boats or other craft operated on waterways;

(3) The gross proceeds accruing from any charge made by a landlord to a tenant in respect of the leasing or furnishing of tangible personal property to be used on the premises of real property leased by the same landlord to the same tenant for use as a residence or dwelling place, including mobile homes;

(4) The gross proceeds accruing from the leasing or rental of tangible personal property to a lessee who acquires possession of the said property for the purpose of leasing or renting to another the same property under a leasing or rental transaction subject to the provisions of this article;

(5) The gross proceeds accruing from any charge made by a landlord to a tenant in respect to the leasing or furnishing of tangible personal property to be used on the premises of any room or rooms, lodging or accommodations leased or rented to transients in any hotel, motel, inn, tourist camp, tourist cabin or any other place in which rooms, lodgings or accommodations are regularly furnished to transients for a consideration;

(6) The gross proceeds accruing from the leasing or rental of tangible personal property which the state is prohibited from taxing under the Constitution or laws of the United States or under the Constitution of the state;

(7) The gross proceeds accruing from the leasing or rental of nuclear fuel assemblies together with the nuclear material contained therein and other nuclear material used or useful in the production of electricity and assemblies containing ionizing radiation sources together with the ionizing radiation sources contained therein used or useful in medical treatment or scientific research;

(8) A transaction whereunder the lessor leases a truck or tractor-trailer or semitrailer for operation over the public roads and highways and such lessor furnishes a driver or drivers for each such vehicle, and such transaction shall be deemed to constitute the rendition of service and not a "leasing or rental" within the meaning of this article;

(9) The gross proceeds accruing from the leasing or rental of vehicles in interchange between regulated motor carriers on a per diem basis;

(10) The gross proceeds accruing from the leasing or rental of all structures, devices, facilities and identifiable components of any thereof acquired primarily for the control, reduction or elimination of air or water pollution, and the gross proceeds accruing from the leasing or rental of all materials used or intended for use in structures built primarily for the control, reduction or elimination of air and water pollution;

(11) The gross proceeds derived by the lessor, which term includes a sublessor, from the leasing or rental of tangible personal property when the lessor and lessee, which term includes a sublessee, are wholly-owned subsidiary corporations of the same parent corporation or one is the wholly-owned subsidiary of the other; provided, that the appropriate sales or use tax, if any was due, has been paid on such item of personal property; and provided further, that in the event of any subsequent subleasing of such tangible personal property to any person other than any such sister, parent or subsidiary corporation, any privilege or license

tax due and payable with respect to such subsequent subleasing under the provisions of this article shall be paid;

(12) The gross proceeds accruing from a transaction which involves the leasing or rental of vessels or railroad equipment which are engaged in interstate or foreign commerce, or both; ~~and~~

(13) The gross proceeds accruing from the leasing or rental of aircraft, replacement parts, components, systems, sundries and supplies affixed or used on said aircraft to or by a certificated or licensed air carrier with a hub operation within this state, for use in conducting intrastate, interstate or foreign commerce for transporting people or property by air. For the purpose of this subdivision, the words "hub operation within this state" shall be construed to have all of the following criteria:

a. There originates from the location 15 or more flight departures and five or more different first-stop destinations five days per week for six or more months during the calendar year; and

b. Passengers and/or property are regularly exchanged at the location between flights of the same or a different certificated or licensed air carrier; ~~and~~

(14) The gross proceeds derived by the lessor, which term includes a sublessor, from the leasing of tangible personal property under the following conditions:

a. prior to being leased under the lease subject to this exemption, the leased tangible personal property shall have been owned, or considered to be owned for either Alabama or federal income tax purposes or both, or subject to acquisition pursuant to a binding contract, by the lessee or by a corporation, partnership or other entity controlled by, or under common control with, such lessee;

b. the leased tangible personal property, or the right to ownership thereof, shall have been acquired by the lessor from the lessee or a corporation, partnership or other entity controlled by, or under common control with, such lessee and leased back to the lessee under a lease (i) that is considered a lease and not a sale for either Alabama or federal income tax purposes or both and (ii) that has a term of not less than fifteen (15) years, except that the lessor and the lessee may agree in the lease or any subsequent amendment thereof for the termination of the lease on any date through purchase of the leased tangible personal property by the lessee, which right to purchase such property shall be exercisable solely at the option of the lessee;

c. the appropriate sales or use tax levied by the state shall have been paid with respect to the acquisition or use of the leased tangible personal property, or, alternatively, the acquisition or use of such property shall be exempt by law from such sales or use tax; and

d. the leased tangible personal property shall be installed in or about an industrial plant or other real property that was specially constructed or modified for the location and use of such tangible personal property and that is owned, or considered to be owned for either Alabama or federal income tax purposes or both, by a

corporation, partnership or other entity controlled by, or under common control with, the lessee of such tangible personal property."

Section 2. The provisions of this act are expressly declared to be severable. If any provision of this act is adjudged to be invalid by any court of competent jurisdiction, such provision shall be severed from this act in order to effectuate the legislative intent that such judgment shall not affect, impair or invalidate the remainder of this act.

Section 3. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming law.

MOTION TO ADJOURN LOST

The motion offered by Rep. Blake that the House adjourn until 10:00 o'clock a.m., Thursday, September 15, 1988, was lost,

Yeas 47; Nays 47.

Yeas:

Reps. Black, Blake, Bowling, Box, Breedlove, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Coburn, Crow, Davis, Drake, Escott, Freeman, Fuller, Gaston, Goodwin, Grayson, Hall, Harper, Hogan, Holmes, Johnson (RW), Junkins, Kennedy, Layson, Lindsey, Marietta, McClain, McDowell, Melton, Newman, Parker, Penry, Perdue, Rains, Reed, Rogers, Spratt, Starkey, Thomas, Turner, White (L) and Williams.

—47

Nays:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Brooks, Carter, Cosby, Curry, Dillard, Faulk, Flowers, Ford, Gray, Grouby, Hamilton, Harvey, Haynes, Hettinger, Higginbotham, Hill, Holley, Hooper, Johnson (RG), Knight, Laird, Marks, Mathis, McKee, McMillan, Mikell, Moon, Payne, Petelos, Poole, Richardson, Seibels, Slaughter, Turnham, Venable, Walker, Warren, White (F), White (G), Wright and Zoghby.

—47

ADJOURNMENT

On motion of Rep. Blake and pursuant to the resolution, H. R. 162 heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, September 15, 1988.

Yeas 43; Nays 32.

Yeas:

Reps. Biddle, Black, Blake, Bowling, Box, Breedlove, Bryant, Buskey (JE), Buskey (JL), Carothers, Clark (W), Davis, Dillard, Escott, Faulk, Flowers, Freeman, Gaston, Grayson, Hall, Harper, Junkins, Kennedy, Kvalheim, Layson, Lindsey, Marietta, Mathis, McClain, McDowell, Melton, Newman, Parker,

Penry, Perdue, Rains, Reed, Rogers, Spratt, Starkey, Turner, White (F) and Williams.

—43

Nays:

Mr. Speaker, Beasley, Beers, Blakeney, Cosby, Curry, Gray, Grouby, Harvey, Hettinger, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Knight, Laird, Logan, McMillan, Mikell, Moon, Payne, Petelos, Richardson, Seibels, Slaughter, Walker, White (G), White (L), Wright and Zoghby.

—32

TENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, September 15, 1988

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rep. George Perdue.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Sonya Wilder.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—102

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the ninth legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the ninth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the ninth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Knight, leave of absence was granted for Rep. Headley, due to illness in the family.

BILLS ON SECOND READING

Rep. Gaston, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 201. To amend Act 88-475, as amended, 1988 Regular Session, which act creates the Alabama Mental Health Finance Authority and provides for mental health projects of the Authority, and financing of such projects; so as to authorize the Authority to enter into any necessary financial instruments or obligations with the Retirement Systems of Alabama in order to secure financing for the funding of projects of the Authority; to provide that such financing shall be payable solely from the taxes appropriated and pledged in Section 16 of Act 88-475, as amended; and to amend Section 16 of Act 88-475, as amended, so as to appropriate and pledge as additional security for bonds authorized pursuant to Act 88-475, as amended, all or a portion of the proceeds of the tax levied in House Bill 351 as approved by the Alabama Legislature in the First Special Session, 1988.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 204. Relating to the city of Fort Payne, DeKalb County, Alabama; authorizing such city the rights to establish, purchase, construct, maintain and operate a television cable service for their residents and within its corporate jurisdiction; authorizing the City of Fort Payne to utilize certain eminent domain powers within its jurisdiction with respect to the establishment, purchasing, constructing, maintaining and operation of a television cable service.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Carter, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

S. J. R. 41. ADMONISHING CERTAIN AGENCIES TO RECOGNIZE THAT CERTAIN APPROPRIATIONS IN H. B. 28 ARE ONE-TIME

APPROPRIATIONS MADE FROM NONRECURRING REVENUES AND STATING THE LEGISLATIVE INTENT BEHIND SECTION 6 OF H. B. 28.

Rep. Haynes offered the following amendment to the resolution, S. J. R. 41:

Amend S. J. R. 41 on page 2, line 9 by deleting line 9 in its entirety.

Further amend S. J. R. 41 on page 2, line 11, after the word "Account" by deleting the figure 21,000,000 and inserting in lieu thereof the figure 20,135,000

And the amendment was adopted.

Yeas 45; Nays 1.

Yeas:

Mr. Speaker, Adams, Biddle, Blakeney, Box, Bryant, Buskey (JL), Campbell, Carter, Clark (W), Cosby, Crow, Curry, Dillard, Ford, Freeman, Fuller, Gaston, Grouby, Hall, Hammett, Harper, Harvey, Haynes, Holmes, Johnson (RG), Knight, Laird, Logan, Marks, McKee, Moon, Newman, Penry, Poole, Richardson, Slaughter, Turner, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—45

Nay: Rep. Gray.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

S. J. R. 41 TEMPORARILY CARRIED OVER

On motion of Rep. Holley, the resolution, S. J. R. 41 as amended, was temporarily carried over.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Logan:

H. R. 166. COMMENDING NORTHWEST ALABAMA STATE JUNIOR COLLEGE ON THE MOMENTOUS OCCASION OF ITS SILVER ANNIVERSARY CELEBRATION.

Also:

The following resolutions were introduced:

By Reps. Penry, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes,

Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby:

H. J. R. 167. URGING THE COMMISSIONER OF THE DEPARTMENT OF CORRECTIONS TO INCLUDE CERTAIN CURRICULUM IN THE ADMINISTRATION OF THE DISCIPLINARY REHABILITATION UNIT PROGRAM FOR CERTAIN YOUTHFUL OFFENDERS, PURSUANT TO ACT NO. 88-163, H. 33 OF THE REGULAR SESSION, 1988.

WHEREAS, the Alabama Legislature enacted Act No. 88-163, H. 33 of the 1988 Regular Session on March 31, 1988, and was signed by the Governor, providing for a stringent disciplinary and rehabilitation program for certain youthful offenders when approved by the judge and commissioner of the department of corrections; and

WHEREAS, the first "recruits" to the military-style boot camp established by Act No. 88-163, H. 33, Regular Session 1988, are now scheduled and that many of these, over a period of time, may be deficient in their education or may be illiterate, both of which often cause a high incident of crime; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most earnestly and urgently request that where the time of the sentence permits, that prisoners in the program who are illiterate or who are not high school graduates be provided the environment and schedule to overcome illiteracy to the extent possible, or, where appropriate, prepare for and sit for G.E.D. testing and high school diploma along similar basis as provided for other prisoners.

RESOLVED FURTHER, That we urge the appropriate officials to cooperate and to assist in coordinating programs necessary to implement the illiteracy eradication and G.E.D. testing programs and that copies be sent to the Commissioner of Corrections and the Superintendent of Education forthwith so that they may know of our request.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 167, was adopted.

Also:

By Rep. Coburn:

H. J. R. 168. NAMING THE NEW STATE OFFICE BUILDING, NOW UNDER CONSTRUCTION, IN HONOR OF THE LATE SETH GORDON PERSONS, FORMER GOVERNOR OF THE STATE OF ALABAMA.

WHEREAS, the late Seth Gordon Persons, born in Montgomery, Alabama, on February 5, 1902, was a graduate of that city's Sidney Lanier High School and an alumnus of Auburn University; and

WHEREAS, a highly successful businessman, Mr. Persons organized the Southern Radio Service of Montgomery in 1928; was president of radio station WSFA; served as a member of the Board of Directors of the National Association of Broadcasters and as Chief Radio Consultant, Office of War

Information, Washington, D. C.; and was owner of Gordon Persons and Company, Inc., consulting engineers; and

WHEREAS, Gordon Persons, however, in lasting memory, remains foremost in the hearts and minds of the citizens of Alabama as a dedicated public servant who served in firm commitment to the betterment of our state as chairman of the Alabama Rural Electrification Authority (REA), 1935-1939; as Associate Member and then as President of the Alabama Public Service Commission; and in highest leadership as the Governor of the State of Alabama, from 1951 to 1955; and

WHEREAS, as Chief Executive of the State, Governor Persons is historically credited as being a most able and responsible leader noted for his aggressive campaign against racketeering and organized crime; enactment of the Right-to-Work bill, strengthening of the state merit system; the elimination of fraudulent welfare claims; and sweeping changes in both the pardons and paroles, and in the state prison systems; and

WHEREAS, Governor Gordon Persons died in Montgomery on May 29, 1965, at the age of 63 years, leaving a legacy of achievement as a dedicated public servant for more than two decades; and

WHEREAS, in recognition of the able and lengthy leadership of Seth Gordon Persons, it is both fitting and desirable that his memory be perpetuated in lasting and appropriate tribute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in loving and grateful memory of the life and service of Seth Gordon Persons, 44th Governor of the State of Alabama, we hereby name and designate the new office building now under construction and located within the Capital Complex in Montgomery, Alabama, as the "Gordon Persons Building."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain such signs and markers as are necessary to appropriately identify said building as the "Gordon Persons Building."

RESOLVED FURTHER, That a copy of this resolution be presented to Governor Persons' wife, Alice McKeithen Persons, with copies also provided for his daughter, Elizabeth Persons Killingsworth and son, Seth Gordon Persons, Jr.

On motion of Rep. Coburn, the rules were suspended and the resolution, H. J. R. 168, was adopted.

Also:

By Rep. Layson:

H. R. 169. RECOGNIZING THE HISTORICAL SIGNIFICANCE AND CONTRIBUTIONS OF MOUNT PLEASANT BAPTIST CHURCH.

WHEREAS, the Mount Pleasant Baptist Church in Pickens County, Alabama, was organized in the 1840s by charter members Kindred Strickland, Tenny Strickland, Penelopy Strickland, Graham Elmore, Elizabeth Elmore, Gray Strickland, Rolen Elmore, Nancy R. Elmore, Tenny Ezell, Miner Springer, Susan Shelton, Christopher Odam and Sarah Odam; and

WHEREAS, Mount Pleasant's first church, located on land secured by claim, was a simple log building erected over a dirt floor and furnished with

seats made of split logs; this modest building was replaced, circa 1904, by a wood frame building that was to serve as a place of worship for some 67 years; and

WHEREAS, a pastorium, built in 1966, was first occupied by The Reverend Neil Nichols who, during mortgage burning ceremonies in 1967, quoted Psalm 127, "Except the Lord build the house, they labour in vain that build it . . ."; and

WHEREAS, in 1971, ground breaking was held for the construction of a third and the present Mount Pleasant Baptist Church which, upon completion in 1972, was dedicated to the glory of God; and

WHEREAS, Mount Pleasant Church, for nearly 150 years has indeed served the community through Christian dedication, gathering weekly for Sunday worship, as well as Sunday School and prayer meetings at night which were initiated in 1873; and

WHEREAS, the members of Mount Pleasant Church also have remained constant in belief and have taken a firm stand against such immoralities as the use of alcohol and its sale in Pickens County; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby recognize the historical significance and landmark status of the Mount Pleasant Baptist Church in Pickens County, Alabama.

BE IT FURTHER RESOLVED, That in praise of their dedication in Christian service to the community, a copy of this resolution shall be presented to the membership of Mount Pleasant.

On motion of Rep. Layson, the rules were suspended and the resolution, H. R. 169, was adopted.

BILLS ON THIRD READING

And the bill:

H. 357. To amend Section 9 of Act No. 88-562, S. 667 of the 1988 Regular Session of the Legislature, which act levies certain taxes on tobacco and tobacco products in Franklin County, so as to exempt Act No. 708 of the 1965 Regular Session of the Legislature approved on September 1, 1965, from the repealer provisions of said Section 9.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Blakeney, Box, Brooks, Bryant, Crow, Curry, Freeman, Fuller, Gaston, Hall, Hammett, Harvey, Hogan, Hooper, Johnson (RW), Knight, Kvalheim, Logan, McKee, McMillan, Moon, Newman, Parker, Payne, Penry, Richardson, Seibels, Slaughter, Turner, Turnham, Venable, White (G), White (L), Williams and Zoghby.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 362. To amend Section 9 of Act No. 88-562, S. 667 of the 1988 Regular Session of the Legislature, which act levies certain taxes on tobacco and tobacco products in Franklin County, so as to exempt Act No. 708 of the 1965 Regular Session of the Legislature approved on September 1, 1965, from the repealer provisions of said Section 9.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Biddle, Blakeney, Box, Brooks, Bryant, Clark (W), Coburn, Crow, Curry, Flowers, Gaston, Hall, Hammett, Harvey, Higginbotham, Hogan, Holley, Johnson (RW), Knight, Kvalheim, Logan, Marks, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Seibels, Slaughter, Turnham, Venable, White (G), Williams, Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 363. Relating to the City of Bear Creek in Marion County; to alter the corporate boundaries so as to include additional lands within the corporate limits; and to provide for a referendum thereon.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Beers, Blakeney, Box, Brooks, Bryant, Buskey (JE), Clark (W), Crow, Curry, Flowers, Fuller, Gaston, Hamilton, Hammett, Higginbotham, Hogan, Holley, Hooper, Johnson (RW), Knight, Kvalheim, Marks, McKee, McMillan, Mikell, Newman, Parker, Penry, Slaughter, Turner, Turnham, Venable, White (G), Williams, Willis, Wright and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 365. Relating to Marion County; amending Act No. 88-619, H. 1030, 1988 Regular Session (Acts 1988, p. 961), levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, so as to provide further for the collection and enforcement of the tax; and for the distribution of the proceeds therefrom.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Blakeney, Box, Britnell, Brooks, Bryant, Buskey (JL), Clark (W), Crow, Curry, Flowers, Freeman, Gaston, Hall, Hamilton, Hammett, Haynes, Hettinger, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Logan, Marks, McMillan, Moon, Newman, Parker, Poole, Slaughter, Turner, Turnham, Venable, White (F), White (G), White (L), Williams, Willis and Wright.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Johnson (RW), the rules were suspended in order to take up out of order the bill, H. 360.

And the bill:

H. 360. To validate certain ad valorem taxes levied for school purposes; and to provide that ad valorem taxes levied for school purposes and approved by the voters of a county or school district for a period in excess of 30 years are valid for the period approved by voters.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Black, Box, Breedlove, Britnell, Bryant, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Curry, Dillard, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hettinger, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Penry, Petelos, Poole, Reed, Richardson, Seibels,

Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Wright and Zoghby.

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UNFINISHED BUSINESS

The House then proceeded with the consideration of the Unfinished Business.

And the bill:

H. 344. To amend Section 40-12-223, Code of Alabama 1975, for the purpose of exempting from the leasing tax imposed by Sections 40-12-220 through 40-12-227, Code of Alabama 1975, the gross proceeds derived from the leasing of tangible personal property pursuant to a sale-lease back financing that meets certain conditions, including the initial acquisition of such property by the lessee or by an entity controlled by, or under common control with, the lessee, the subsequent sale of such property to the lessor, and the leasing back of such property from the lessor by the lessee pursuant to a lease which, among other things, has a term of not less than fifteen years and does not constitute a sale for either Alabama or federal income tax purposes or both.

And pending substitute, offered on the ninth legislative day, was taken up.

MOTION TO TEMPORARILY CARRY OVER ADOPTED

The motion offered by Rep. Hammett to temporarily carry over the bill, H. 344, and the pending substitute and motions was adopted.

Yeas 84; Nays 3.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Breedlove, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Coburn, Cosby, Crow, Curry, Dillard, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Seibels, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (L), Williams, Willis and Wright.

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Nays: Reps. Black, Slaughter and Zoghby.

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RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Junkins, Bugg and Ford:

H. R. 170. MOURNING THE DEATH OF GREGORY SCOTT MALCOM OF ATTALLA, ALABAMA.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Hammett, the rules were suspended in order to consider the bill, H. 318.

Yeas 68; Nays 23.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Blake, Blakeney, Bowling, Breedlove, Britnell, Brooks, Bugg, Carothers, Carter, Cosby, Crow, Curry, Dillard, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Laird, Lindsey, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Seibels, Starkey, Turnham, Venable, Walker, Warren, White (F), White (L), Willis and Wright.

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Nays:

Reps. Black, Box, Buskey (JE), Buskey (JL), Campbell, Clark (W), Escott, Gaston, Harper, Junkins, Kennedy, Kvalheim, Marietta, McClain, McDowell, Perdue, Rogers, Slaughter, Spratt, Turner, White (G), Williams and Zoghby.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Reed would have voted "Nay" on the motion to suspend the rules had he been in the Chamber at the time of voting.

REQUEST FOR COMMITTEE TO MEET

Rep. Hammett requested leave of the House for the Standing Committee on Rules to meet, under House Rule 52.

The Speaker ruled that only the chairman of a Standing Committee could call a meeting.

RECESS

On motion of Rep. Turner, the House recessed until 1:00 o'clock p.m.

HOUSE RECONVENED

The hour of 1:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 24. Relating to Jefferson County; to prescribe for the compensation of the Chief Deputy Sheriff of Jefferson County and to provide for the payment thereof.

Also:

H. 124. To authorize an additional county salary supplement for the District Attorney of the Thirty-Seventh Judicial Circuit; to provide that the provisions of this act shall be effective October 1, 1988.

Also:

H. 180. Relating to Jefferson County; requiring the county commission to make certain office space provisions in the new Jefferson County Sheriff's Headquarters building located at Eighth Avenue and 22nd Street, North, in the City of Birmingham for certain personnel in the sheriff's department.

Also:

H. 215. Relating to Blount County; to provide further for fire districts within the county.

Also:

H. 259. Relating to Lee County; levying a lodging tax, providing for the collection and distribution of said tax, and establishing the "Auburn-Opelika Convention and Visitors Bureau."

Also:

H. 278. Relating to Randolph County, repealing Act No. 88-328, H. 857, enacted in the Regular Session of 1988, allowing the Randolph County Health Department to set fees for service.

Also:

H. 307. Relating to Randolph County, repealing Act No. 88-328, H. 857, enacted in the Regular Session of 1988, allowing the Randolph County Health Department to set fees for service.

Also:

H. 326. Relating to Clay County, repealing Act No. 88-426, H. 938, enacted in the Regular Session of 1988, allowing the Clay County Health Department to set fees for service.

Also:

H. 338. Relating to Chambers County; abolishing the county offices of tax assessor and tax collector; providing for the establishment of a consolidated and unified system of assessment and collection of ad valorem taxes under the supervision of an elective county official designated as county revenue commissioner of said county; providing for the election and compensation of such revenue commissioner, and providing for a referendum upon the question of whether a majority of the qualified electors of Chambers County favor a revenue commissioner.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 330. Relating to Barbour County; providing further for the funding of the offices of the tax assessor and tax collector.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 315. To amend Sections 1.03, 3.02, 3.14, 4.01, 4.02, 6.02 and 10.01 of Act No. 88-445, H. 963 of the 1988 Regular Session appearing in Article 1 of Chapter 44E of Title 11, Code of Alabama 1975, providing for a Mayor/Commission/City Manager form of government for Class 5 municipalities upon adoption by a municipality, so as to further provide for said form of government for Class 5 municipalities.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 228. To amend Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, approved September 18, 1973, as amended, to provide for the participation of the unclassified employees of the City of Birmingham in the retirement and relief system of the City of Birmingham and to provide for related matters.

Also:

H. 312. Relating to Jefferson County; to provide for a county supplemental salary for any full-time court referee or full-time standing master in an amount equal to fifty percent (50%) of the county supplemental salary payable to their respective appointing judges, to be paid from the general fund.

Also:

H. 324. Relating to the City of Gadsden, in Etowah County, amending Section 14 of Act No. 671, H. 921 of the 1951 Regular Session (Acts 1951, Vol. II, p. 1158), as amended by Act No. 88-434, H. 59, 1988 Regular Session, which creates and establishes, within certain cities classified on a population basis, a civil service system to govern the appointment, tenure, compensation, conditions of employment and removal of certain officers and employees of such cities, so as to provide further for the meetings of the civil service board.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 294. Relating to Elmore County; to amend Act No. 84-634 of the 1984 Regular Session relating to the compensation of members of the county commission, so as to alter the amount of said compensation.

Also:

H. 335. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Scottsboro in Jackson County.

Also:

H. 346. Relating to Franklin County; amending Act No. 88-562, S. 667, 1988 Regular Session (Acts 1988, p. 881), levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, so as to provide further for the collection and enforcement of the tax; and for the distribution of the proceeds therefrom.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 107. To further regulate the advertising by dentists, and the fees of dentists for administering anesthesia intravenous sedation; and to further amend Sections 34-9-19, 34-9-60, 34-9-61, 34-9-63 and 34-9-64, Code of Alabama 1975, as amended, relating to fees and advertising, so as to further provide therefor.

Also:

S. 115. Relating to Madison County; to exempt from all county, local or municipal ad valorem taxes all property owned and used by the Huntsville Land Trust, Incorporated.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Hammett to suspend the rules in order to take up out of order the bill, H. 164, was lost.

Yeas 31; Nays 61.

Yeas:

Mr. Speaker, Beasley, Blake, Bryant, Campbell, Carothers, Carter, Dillard, Faulk, Fuller, Hall, Hammett, Harper, Higginbotham, Logan, Marks, McMillan, Newton, Parker, Perdue, Petelos, Rains, Seibels, Slaughter, Starkey, Turnham, White (F), White (G), White (L), Williams and Zoghby.

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Nays:

Reps. Adams, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Brooks, Bugg, Buskey (JE), Buskey (JL), Butler, Coburn, Cosby, Crow, Curry, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hamilton, Harvey, Haynes, Hettinger, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Mathis, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Payne, Poole, Reed, Richardson, Rogers, Spratt, Thomas, Turner, Venable, Walker, Warren, Willis and Wright.

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REQUEST TO INTRODUCE RESOLUTIONS

Rep. Adams requested special leave to introduce resolutions later in the day, and the request was granted.

H. 187 TEMPORARILY CARRIED OVER

On motion of Rep. Carothers, the bill, H. 187, was temporarily carried over.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 24. Relating to Jefferson County; to prescribe for the compensation of the Chief Deputy Sheriff of Jefferson County and to provide for the payment thereof.

Also:

H. 124. To authorize an additional county salary supplement for the District Attorney of the Thirty-Seventh Judicial Circuit; to provide that the provisions of this act shall be effective October 1, 1988.

Also:

H. 180. Relating to Jefferson County; requiring the county commission to make certain office space provisions in the new Jefferson County Sheriff's Headquarters building located at Eighth Avenue and 22nd Street, North, in the City of Birmingham for certain personnel in the sheriff's department.

Also:

H. 215. Relating to Blount County; to provide further for fire districts within the county.

Also:

H. 259. Relating to Lee County; levying a lodging tax, providing for the collection and distribution of said tax, and establishing the "Auburn-Opelika Convention and Visitors Bureau."

Also:

H. 278. Relating to Randolph County, repealing Act No. 88-328, H. 857, enacted in the Regular Session of 1988, allowing the Randolph County Health Department to set fees for service.

Also:

H. 307. Relating to Randolph County, repealing Act No. 88-328, H. 857, enacted in the Regular Session of 1988, allowing the Randolph County Health Department to set fees for service.

Also:

H. 326. Relating to Clay County, repealing Act No. 88-426, H. 938, enacted in the Regular Session of 1988, allowing the Clay County Health Department to set fees for service.

Also:

H. 338. Relating to Chambers County; abolishing the county offices of tax assessor and tax collector; providing for the establishment of a consolidated and unified system of assessment and collection of ad valorem taxes under the supervision of an elective county official designated as county revenue commissioner of said county; providing for the election and compensation of such revenue commissioner, and providing for a referendum upon the question of whether a majority of the qualified electors of Chambers County favor a revenue commissioner.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 315. To amend Sections 1.03, 3.02, 3.14, 4.01, 4.02, 6.02 and 10.01 of Act No. 88-445, H. 963 of the 1988 Regular Session appearing in Article 1 of Chapter 44E of Title 11, Code of Alabama 1975, providing for a Mayor/Commission/City Manager form of government for Class 5 municipalities

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upon adoption by a municipality, so as to further provide for said form of government for Class 5 municipalities.

Also:

H. 330. Relating to Barbour County; providing further for the funding of the offices of the tax assessor and tax collector.

Also:

H. 228. To amend Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, approved September 18, 1973, as amended, to provide for the participation of the unclassified employees of the City of Birmingham in the retirement and relief system of the City of Birmingham and to provide for related matters.

Also:

H. 312. Relating to Jefferson County; to provide for a county supplemental salary for any full-time court referee or full-time standing master in an amount equal to fifty percent (50%) of the county supplemental salary payable to their respective appointing judges, to be paid from the general fund.

Also:

H. 324. Relating to the City of Gadsden, in Etowah County, amending Section 14 of Act No. 671, H. 921 of the 1951 Regular Session (Acts 1951, Vol. II, p. 1158), as amended by Act No. 88-434, H. 59, 1988 Regular Session, which creates and establishes, within certain cities classified on a population basis, a civil service system to govern the appointment, tenure, compensation, conditions of employment and removal of certain officers and employees of such cities, so as to provide further for the meetings of the civil service board.

Also:

H. 294. Relating to Elmore County; to amend Act No. 84-634 of the 1984 Regular Session relating to the compensation of members of the county commission, so as to alter the amount of said compensation.

Also:

H. 335. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Scottsboro in Jackson County.

Also:

H. 346. Relating to Franklin County; amending Act No. 88-562, S. 667, 1988 Regular Session (Acts 1988, p. 881), levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, so as to provide further for the collection and enforcement of the tax; and for the distribution of the proceeds therefrom.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

LEAVE OF ABSENCE

At the request of Rep. Rains, leave of absence was granted for Rep. Burke.

H. 253 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 253, was temporarily carried over.

H. 257 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 257, was temporarily carried over.

H. 256 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 256, was temporarily carried over.

H. 255 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 255, was temporarily carried over.

H. 254 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 254, was temporarily carried over.

H. 252 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 252, was temporarily carried over.

H. 250 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 250, was temporarily carried over.

H. 248 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 248, was temporarily carried over.

H. 247 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 247, was temporarily carried over.

H. 246 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 246, was temporarily carried over.

H. 245 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 245, was temporarily carried over.

H. 244 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 244, was temporarily carried over.

H. 97 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 97, was temporarily carried over.

H. 249 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 249, was temporarily carried over.

H. 41 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 41, was temporarily carried over.

H. 31 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 31, was temporarily carried over.

H. 251 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 251, was temporarily carried over.

H. 100 TEMPORARILY CARRIED OVER

On motion of Rep. Cosby, the bill, H. 100, was temporarily carried over.

And the bill:

H. 17. To provide for a limitation on the total cost of license plates, taxes and license fees for motorized recreational vehicles; to return the taxation of such vehicles to the rates, weights and amounts that existed prior to 1984; and to exempt motorized recreational vehicles from the provisions of section 40-12-248 of the Code of Alabama 1975.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 2.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Bowling, Box, Breedlove, Brooks, Bugg, Buskey (JL), Butler, Campbell, Carothers, Carter, Coburn, Cosby, Crow, Curry, Dillard, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Hettinger, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson,

Seibels, Spratt, Starkey, Turner, Venable, Warren, White (F), White (L), Williams, Willis and Zoghby.

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Nays: Reps. Faulk and Frazier.

—2

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 17:

Mr. Speaker, Adams, Blake, Bowling, Box, Bugg, Carter, Cosby, Ford, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hill, Holley, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Layson, Lindsey, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton, Penry, Rains, Reed, Spratt, Thomas, Venable, White (F), and Williams.

And the bill:

H. 3. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1987 Regular Session of the Legislature, as contained in the 1987 Cumulative Supplement to certain volumes of the Code and in the 1987 Replacement Volumes 7, 7A and 13 of the Code; to make corrections in certain volumes of such cumulative supplement and replacement volume 13; and to reorganize Article 5, Chapter 12, Title 13A, and Chapter 2, Title 20, as appearing in Volumes 12 and 14, respectively, of such cumulative supplement, so as to place the principal drug crime statutes in Title 13A, the Alabama Criminal Code.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Biddle, Black, Blake, Blakeney, Bowling, Box, Brooks, Bryant, Bugg, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Dillard, Escott, Faulk, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Hall, Hamilton, Hammett, Harper, Harvey, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Junkins, Kennedy, Knight, Kvalheim, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (L), Williams, Willis, Wright and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Perdue, the rules were suspended to allow introduction of congratulatory resolutions.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. McMillan, Penry and White (F):

H. R. 171. COMMENDING ULLYSSES MCBRIDE ON HIS SELECTION AS GRAND POLEMARCH OF KAPPA ALPHA PSI.

BILLS ON THIRD READING RESUMED

And the bill:

H. 9. To revise the law on powers contained in mortgages on real estate and to provide: definitions; foreclosure by power of sale; minimum standards for notice of sale; method of conducting foreclosure by power of sale; and successive sales under power permitted. This Act applies only to mortgages, defined herein, executed on or after the effective date of this Act which is January 1, 1989.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Blakeney, Bowling, Brooks, Bryant, Bugg, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Dillard, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Hall, Hamilton, Hammett, Harper, Hettinger, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Mikell, Moon, Newman, Payne, Penry, Petelos, Reed, Richardson, Seibels, Slaughter, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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And the bill:

H. 8. To amend Article 19 of Chapter 4 of Title 10 of the Code of Alabama (1975), as amended, the Revised Alabama Professional Corporation Act, by amending Sections 10-4-383, 10-4-387, 10-4-389, and 10-4-403 of the Code of Alabama (1975), as amended to determine the date of disqualification of shareholders; to allow corporations in existence December 31, 1983 in which licensed medical and dental professionals were allowed to be shareholders under Section 10-4-235, Code of Alabama (1975), to continue and to permit licensed medical and dental professionals to be allowed to be shareholders in the same professional corporation; permit professional associations in existence December 31, 1983 to continue to use the name professional associations or the abbreviation P.A.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blakeney, Bowling, Brooks, Bryant, Bugg, Buskey (JE), Campbell, Carothers, Carter, Clark (W), Curry, Dillard, Flowers, Ford, Freeman, Gaston, Gray, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Higginbotham, Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Payne, Rains, Rogers,

Thomas, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby.

—57

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 210. To make an appropriation for the support and maintenance of Walker County Junior College for the fiscal year ending September 30, 1989.

McDOWELL LEE,
Secretary.

S. J. R. 41 AGAIN TAKEN UP

The resolution, S. J. R. 41 as previously amended, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 99. To amend Sections 40-6-1, 40-6-3 and 40-6-4, Code of Alabama 1975, relating to the compensation and benefits paid to supernumerary tax assessors, tax collectors, revenue commissioners, license commissioners or other elected officials charged with the assessment and/or collection of ad valorem taxes, so as to cover appointed ad valorem tax officials and provide for a surviving spouse benefit.

Was taken up.

MOTION TO INDEFINITELY POSTPONE

Rep. Grayson offered the motion to indefinitely postpone the bill, H. 99.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Britnell:

H. R. 172. COMMENDING NORTHWEST ALABAMA STATE JUNIOR COLLEGE ON THE MOMENTOUS OCCASION OF ITS SILVER ANNIVERSARY CELEBRATION.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 142. To amend section 32-7-4, Code of Alabama 1975, relating to fees for abstracts of driving records, so as to increase the fee for an abstract of a driving record from \$4.00 to \$5.50.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators Parsons, Horn, and Preuitt.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 106. To amend Sections 9-13-82 and 9-13-84, Code of Alabama 1975, as amended, which provide for the severance tax on forest products and the distribution of the proceeds thereof, so as to increase said tax and provide further for its distribution.

Also:

H. 156. To create an Alabama "generation-skipping transfer" tax which takes advantage of the state tax credit allowed in computing the federal "generation-skipping transfer" tax, thereby adding revenues to the state of Alabama without increasing the total tax liability of taxpayers.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 183. Relating to Escambia County; there is hereby levied a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of cigarettes in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. White (F), the House concurred in and adopted the Senate amendment to the bill, H. 183, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Escambia County; there is hereby levied a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of cigarettes in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby imposed upon every person, firm or corporation who sells, stores, delivers, uses or otherwise consumes tobacco in Escambia County a county privilege, license or excise tax up to:

Three cents (\$0.03) for each package of cigarettes, made of tobacco or any substitute therefor.

Said privilege, license or excise tax shall be in addition to all other taxes heretofore imposed by law.

Provided, however, when the license tax hereby required to be paid shall have been paid by a wholesaler or seller of cigarettes, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on each package of cigarettes.

Section 2. Upon passage of this act there is levied on every person, firm, corporation, club or association that sells or stores or receives for the purpose of distribution in Escambia County any cigarettes shall add the amount of the license or privilege tax levied and assessed herein to the price of the cigarettes, it being the purpose and intent of this provision that the tax levied is, in fact, a levy on the consumer with the person, firm, corporation, club or association, who sells or stores or receives for the purpose of distributing the cigarettes, acting merely as agent for the collection of the tax. The dealer, storer or distributor shall state the amount of the tax separately from the price of the cigarettes, on all price display signs, sales or delivery slips, bills and statements which advertise or indicate the price of the cigarettes. It shall be unlawful for any dealer, storer or distributor engaged in or continuing in Escambia County in the business for which the tax is hereby levied to fail or refuse to add to the sales price and collect from the purchaser the amount due on account of the tax herein provided or to refund or offer to refund all or any part of the amount collected or to absorb or advertise directly or indirectly the absorption of the tax or any portion thereof. Any person, firm, corporation, club or association violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction, shall be fined not more than one hundred dollars (\$100.00) or imprisoned in the county jail for not more than 60 days, or by both such fine and imprisonment. Each act in violation of this section shall constitute a separate offense.

Section 3. The tax hereby levied shall be paid on a monthly basis by affixing stamps as is required for the payment of the tax imposed by Section 40-25-1 through Section 40-25-28, Code of Alabama 1975. The state department of revenue, if requested by resolution of the Escambia County Commission to collect the county privilege license or tax specified in Section 1, for as long as the department is requested to collect said levy, shall have the same duties relative to the preparation and sale of stamps to evidence the payment of such tax that it has relative to the preparation and sale of stamps under those sections and may exercise the same powers and perform the same duties in the same manner relative to the collection of the tax hereby levied that it does relative to the collection of that tax. However, in the event the required stamps are not available for affixing to tobacco products packages and containers or, by the authority of a duly promulgated regulation eliminating the requirement of affixing stamps and replacing such requirement, a monthly reporting system approved by the department of revenue shall be accepted as evidence of payment of such taxes.

Section 4. It shall be the duty of the county commission of Escambia County to enforce the provisions of this act upon its imposing the tax thereunder, and it shall have the right itself, or its members or its agents, to examine the books, reports and accounts of every dealer, storer or distributor engaged in the business for which the tax is hereby levied and to make any and all rules and regulations necessary and proper for the collection of such tax. Provided, however, upon resolution of the Escambia County Commission, the state department of revenue is hereby authorized and directed to collect all taxes now or hereafter levied by said county under the provisions of this act. The state department of revenue is hereby authorized to promulgate and enforce rules and regulations to effectuate the purposes of this act. All such rules and regulations duly promulgated shall have the force and effect of law.

Section 5. All laws, and rules and regulations of the department of revenue, relating to the manner and time of payment of the tax levied by Section 40-25-1 through Section 40-25-28, Code of Alabama 1975, requiring reports from dealers and prescribing penalties for violations shall apply with equal force to the tax levied by this act as fully as if set out herein.

Section 6. The proceeds from the tax hereby levied, less the actual costs of collection not to exceed ten per centum, shall be paid by the state department of revenue into the county general fund of Escambia County to be expended as follows:

(1) 1/2 cent to the county general fund.

(2) 2 1/2 cent to all fire departments, volunteer and municipal and the Escambia County rescue squad and the Flomaton fire department and rescue squad on an equal basis. Each municipal fire chief may expend that department's share in any manner he deems necessary for the operation of and equipment for that fire department, except none shall be expended for salaries. Volunteer fire departments shall expend their shares only as prescribed in their respective by-laws or articles of incorporation, except no proceeds distributed under this act shall be expended for salaries. Each fire department shall participate so long as such fire department is certified by the district forester of the Alabama Forestry Commission in Escambia County. Any fire department failing to meet certification standards shall be suspended from participation in the revenue until those standards are met and said fire department's revenue shall be equally distributed among the fire departments meeting the certification standards.

Section 7. (a) None of the provisions of this act shall be applied in such manner as to be in violation of the commerce or other clauses of the federal or state constitution.

(b) This act shall not be construed to apply to cigarettes stored by a wholesale dealer for the purpose of resale or reshipment outside of such counties which are actually resold or reshipped.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective on the first day of the fourth month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Bowling, Breedlove, Bryant, Bugg, Clark (W), Crow, Curry, Dillard, Flowers, Gaston, Grayson, Grouby, Harper, Harvey, Higginbotham, Hill, Hogan, Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McDowell, McMillan, Moon, Newman, Newton, Payne, Penry, Petelos, Rains, Reed, Seibels, Starkey, Thomas, Turner, Turnham, White (F), White (G), Williams, Willis, Wright and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 90. Relating to the twenty-first judicial circuit, Escambia County, Alabama; providing further for expense allowances and equalizing expense allowances for the presiding circuit judge, circuit judge No. 2 and the district judge of the circuit; providing for such expense allowances to be payable from the county treasury.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. White (F), the House concurred in and adopted the Senate amendment to the bill, H. 90, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

Relating to the twenty-first judicial circuit, Escambia County, Alabama; providing further for expense allowances for the presiding circuit judge, circuit judge No. 2 and the district judge of the circuit; providing that such expense allowances shall be payable from the county treasury; and providing for an effective date for this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. In the twenty-first judicial circuit, in Escambia County, the county commission shall pay the presiding circuit judge and circuit court judge No. 2 a total expense allowance of \$12,000 per annum. Such expense allowance shall be paid in equal monthly installments from the county treasury. Such expense allowances shall be in lieu of any expense allowances

provided for by Act Nos. 569, H. 994 of the 1947 Regular Session (Acts 1947, p. 402, as amended); 531, S. 574, 1949 Regular Session (Acts 1949, p. 840); 249, H. 977, 1976 Regular Session (Acts 1976, p. 286); and Act No. 82-474, H. 811, 1982 Regular Session (Acts 1982, p. 795), or any other laws or parts of laws relating to expense allowances for such officer. These acts are repealed in part only to the extent there is a conflict with this act.

Section 2. The Escambia County Commission shall pay to the district court judge of the judicial circuit an annual expense allowance of \$6,000.00, payable in the same manner, as that received by the circuit judges provided for by Section 1 of this act. Such expense allowance shall be in lieu of any expense allowances heretofore provided for by law or parts of laws for such officer and these are repealed only to the extent there is a conflict with this act.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this act shall be effective on the same date that House Bill 183 of the 1988 First Special Session becomes effective.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Blakeney, Bowling, Bryant, Bugg, Carothers, Carter, Clark (W), Crow, Flowers, Ford, Gaston, Grayson, Grouby, Hall, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Johnson (RG), Junkins, Kennedy, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McDowell, McMillan, Moon, Newman, Newton, Payne, Penry, Perdue, Petelos, Poole, Rains, Seibels, Spratt, Thomas, Turner, Turnham, Walker, White (F), White (G), Willis, Wright and Zoghby.

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MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 178, without the Governor's signature and with a suggested Executive Amendment.

Done this 14th day of September, 1988.

Respectfully submitted,
JAMES F. REDDOCH, JR.,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 178, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 178:

On page 1, line 15 after the period insert the following:

Receipts to and itemized expenditures from said special fund shall be separately published in all newspapers qualified to run legal notices in Etowah County on November 1st of each year beginning in 1989. Such special fund shall be open for public inspection and shall be maintained as a public record in accordance with state law.

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 14th day of September, 1988.

Respectfully,

GUY HUNT,
Governor.

GOVERNOR'S MESSAGE

The House then proceeded to reconsider the bill:

H. 178. Relating to Etowah County; to authorize the probate judge to set the fee for supplying a copy of an instrument; to place the proceeds from the fees in a special fund and provide for its use.

On motion of Rep. Bugg, the House non-concurred in the amendment offered by His Excellency, the Governor, to the bill, H. 178.

Yeas 53; Nays 2.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Carothers, Carter, Clark (W), Coburn, Dillard, Escott, Flowers, Ford, Freeman, Fuller, Goodwin, Grayson, Hall, Harvey, Haynes, Higginbotham, Holley, Johnson (RG), Johnson (RW), Kennedy, Layson, Lindsey, Marietta, Marks, Mathis, McDowell, Moon, Newman, Parker, Penry, Poole, Reed, Rogers, Seibels, Starkey, Thomas, Turnham, Warren, White (F), Williams, Willis and Zoghby.

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Nays: Reps. Junkins and Rains.

—2

Which was a majority of the whole number elected to the House.

On motion of Rep. Bugg, the bill, H. 178, was again read at length and passed, the Governor's objection to the contrary notwithstanding.

Yeas 54; Nays 1.

Yeas:

Mr. Speaker, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Dillard, Escott, Ford, Freeman, Fuller, Goodwin, Grayson, Grouby, Hall, Harvey, Haynes, Higginbotham, Holley, Johnson (RW), Kennedy, Laird, Layson, Marietta, Marks, Mathis, McDowell, Moon, Newman, Parker, Penry, Reed, Rogers, Spratt, Starkey, Thomas, Turner, Walker, White (F), Williams, Willis and Zoghby.

—54

Nay: Rep. Junkins.

—1

Which was a majority of the whole number elected to the House.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Manley:

S. 161. To require county governing bodies to establish precincts, wards and voting districts based on clearly visible, definable and observable physical boundaries based on U. S. Census Bureau criteria not later than March 15, 1989; to provide for participation by Alabama in programs of the Census Bureau for census data for purposes of reapportionment; to define terms; to require the counties to provide and maintain maps of said precincts, wards and voting districts to the probate judge, board of registrars and the secretary of state; to provide for the maximum number of voters in voting districts; to provide for the designation of places of voting; to require the certification of lists of eligible voters by the probate judge; to provide for boxes and machines for elections; to provide for the posting of boundaries of precincts, wards or voting places and for the changing of precinct, ward and voting district boundaries and changes in places of voting; to provide for the enforcement of this act; to provide that the Reapportionment Task Force shall be the official state liaison between the state, the counties and the U. S. Census Bureau for purposes of implementing the provisions of this act; to require cooperation by all county, municipal and state agencies and officials with the Reapportionment Task Force; and to specifically supersede and repeal Sections 17-5-1 through 17-5-13, Code of Alabama 1975, effective March 15, 1989.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 161. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Bennett (With Notice and Proof):

S. 222. Relating to Franklin County; authorizing and providing for the incorporation of the Franklin County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 222, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 222. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator deGraffenried (With Notice and Proof):

S. 211. To supplement the salaries of the circuit judges of the Sixth Judicial Circuit.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 211, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Bennett (With Notice and Proof):

S. 214. Relating to Winston County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; providing for the distribution of the proceeds therefrom; and providing for a referendum.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 214, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Bennett (With Notice and Proof):

S. 215. Relating to Lamar County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and providing for the distribution of the proceeds therefrom.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 215, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Bennett (With Notice and Proof):

S. 216. Relating to Lamar County; levying a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975, and a special county excise tax paralleling the state use taxes levied on the storage or use of certain automotive vehicles provided for by section 40-23-102, Code of Alabama 1975; specifying the rates at which such taxes shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said taxes; and providing for enforcement of this act.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 216, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Bennett (With Notice and Proof):

S. 217. To amend Section 9 of Act No. 88-562, S. 667 of the 1988 Regular Session of the Legislature, which act levies certain taxes on tobacco and tobacco products in Franklin County, so as to exempt Act No. 708 of the 1965 Regular Session of the Legislature approved on September 1, 1965, from the repealer provisions of said Section 9.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 217, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 211. Local Legislation No. 1.
- S. 214. Local Legislation No. 1.
- S. 215. Local Legislation No. 1.
- S. 216. Local Legislation No. 1.
- S. 217. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Bennett (With Notice and Proof):

S. 219. To amend Section 9 of Act No. 88-562, S. 667 of the 1988 Regular Session of the Legislature, which act levies certain taxes on tobacco and tobacco products in Franklin County, so as to exempt Act No. 708 of the 1965 Regular Session of the Legislature approved on September 1, 1965, from the repealer provisions of said Section 9.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 219, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Bennett (With Notice and Proof):

S. 220. Relating to Marion County; amending Act No. 88-619, H. 1030, 1988 Regular Session (Acts 1988, p. 961), levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, so as to provide further for the collection and enforcement of the tax; and for the distribution of the proceeds therefrom.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 220, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Bennett (With Notice and Proof):

S. 221. Relating to the City of Bear Creek in Marion County; to alter the corporate boundaries so as to include additional lands within the corporate limits; and to provide for a referendum thereon.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 221, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 219. Local Legislation No. 1.

S. 220. Local Legislation No. 1.

S. 221. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senator Manley:

S. 103. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1987 Regular Session of the Legislature, as contained in the 1987 Cumulative Supplement to certain volumes of the Code and in the 1987 Replacement Volumes 7, 7A and 13 of the Code; to make corrections in certain volumes of such cumulative supplement and replacement volume 13; and to reorganize Article 5, Chapter 12, Title 13A, and Chapter 2, Title 20, as appearing in Volumes 12 and 14, respectively, of such cumulative supplement, so as to place the principal drug crime statutes in Title 13A, the Alabama Criminal Code.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 103. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senators Langford and Ellis:

S. 210. To amend Sections 36-27A-1 and 36-27A-5, Code of Alabama 1975, so as to allow public officials or employees of the State of Alabama, or any political subdivision thereof, to participate in the Public Employees' Individual Retirement Account Fund and to provide for additional nondeductible contributions.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 210. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Bedford (With Notice and Proof):

S. 202. Relating to Franklin County; amending Act No. 88-562, S. 667, 1988 Regular Session (Acts 1988, p. 881), levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, so as to provide further for the collection and enforcement of the tax; and for the distribution of the proceeds therefrom.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 202, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 202. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Dial:

S. 44. To require pipeline facilities transporting hazardous liquids and/or liquified natural gas (LNG) and facilities used in the liquification of natural gas to comply with certain standards of safety; granting certain additional rights, powers and authority to the Alabama Public Service Commission to carry out the purposes of this Act; prescribing jurisdictions of courts for injunction proceedings; and prescribing monetary sanctions for violations of certain standards of safety.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 44. Oil and Gas.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Hilliard:

S. 193. To amend the Alabama Trademark Act to include the registrability of business trade names thereby creating an "Alabama Trademark and Trade Name Act" by amending sections 8-12-6, 8-12-7, 8-12-8, 8-12-9, 8-12-14, 8-12-16, and 8-12-17 of the Code of Alabama 1975; to provide for transition of existing trademarks; and to provide for an effective date of January 1, 1989.

Also:

By Senators Rice, Mitchem, Bedford, Denton, Preuitt, Hale, Campbell, Ellis, Goodwin, Bailey, Barron, Smith (B), Foshee, Parsons, Bennett, Manley, Amari, Dixon, and Sanders:

S. 205. To provide for a supplemental appropriation of \$225,000 from the Alabama Special Educational Trust Fund to the State Department of Education for the payment of salaries of locally-funded educational personnel in the Adult Basic Education/Community Education Program for the fiscal year ending September 30, 1989.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 193. Ways and Means.

S. 205. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Mitchem:

S. 29. To amend Section 9-11-257, Code of Alabama 1975, as last amended, relating to hunting within 100 yards of roads, highways, or railroads without permission from an adjacent landowner, so as to provide that no person, except a duly authorized law enforcement officer acting in the line of duty or person otherwise authorized by law, shall hunt or discharge any firearm from, upon, or across any public road, public highway or railroad, or their rights-of-way, logging railroads excepted; and to provide penalties for the violation thereof.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 29. Agriculture, Forestry and Natural Resources.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and sends same herewith to the House:

By Senator deGraffenried:

S. 99. To provide for the establishment of a fund from which survivor allowances for spouses of deceased district or supernumerary district attorneys shall be paid; to provide requirements for eligibility for receipt of such benefits; to provide funding for the proper operations and maintenance of such fund; and to provide for the management of such fund.

Also:

By Senators Dixon, Horn, Drinkard, Barron, Bedsole, and deGraffenried:

S. 196. To amend section 29-2-41, Code of Alabama 1975, which relates to the Contract Review Permanent Legislative Oversight Committee, so as to provide further for the committee's authority to review state contracts.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 99. Judiciary.

S. 196. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Parsons, Corbett, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Preuitt, Rice, Sanders, Smith (B), and Smith (J):

S. J. R. 57. URGING GOVERNOR GUY HUNT TO REAPPRAISE HIS ENDORSEMENT OF THE "BRADY AMENDMENT," H. R. 975 AND S. 466 PENDING IN THE UNITED STATES CONGRESS.

Also:

By Senator Denton:

S. J. R. 58. EXPRESSING LEGISLATIVE INTENT REGARDING
SENATE BILL 2.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 57, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

On motion of Rep. Cosby, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 58, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 234. To provide for revisions to the Code of Alabama 1975, dealing with ad valorem taxation, so as to offer equity and equalization in administration of ad valorem taxes, by amending the following code sections successively: Section 40-7-23, Code of Alabama 1975, as amended, to establish requirements under which a taxpayer may avoid the statutory ten percent penalty normally assessed on escaped tangible personal property ad valorem taxes, for the tax years ending on or before September 30, 1988, and to waive, upon the taxpayer's fulfilling the requirements of Section 40-7-23, the taxpayer's ad valorem tax liability on tangible personal property so assessed for the tax years ending on or before September 30, 1987; Sections 40-7-1, 40-8-1, 40-11-1, 40-12-240, 40-12-255 and 40-12-256, Code of Alabama 1975, to provide for assessment and payment of ad valorem taxes by owners of mobile homes the same as other real property and personal property owners, to identify the class of assessment for travel trailers, to eliminate the requirement for owners of mobile homes to purchase a license tag and pay the \$3.00 registration fee, to provide for the uniform identification and assessment of mobile homes, to authorize the commissioner of revenue to require that certain mobile home and ad valorem tax information be reported by real property owners on forms and through procedures prescribed by the commissioner of revenue, to require any public or private entity that provides or sells any gas or electric services to provide to the county tax assessing official, at least monthly, a list containing each mobile home to which such entity has connected gas or electric service in the county during the preceding period, together with the name of the occupant and the location of the connection, to authorize the commissioner of revenue to promulgate rules and regulations necessary to carry out the provisions of this act and to make certain grammatical and clarifying changes; Sections 40-5-9, 40-10-21, 40-10-75, 40-10-76, 40-10-77, 40-10-83, 40-10-121, 40-10-122, and 40-10-132, Code of Alabama 1975, to increase the interest rate on delinquent ad valorem taxes and on taxes paid upon redemption; and by amending Section 40-7-21, Code of Alabama 1975, establishing the class of misdemeanor for failure or refusal to provide information deemed essential to assessment of property

and to authorize proper authority to audit, examine, and inspect records and property, as needed, to enforce the assessment and collection of ad valorem taxes.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Lindsey, the House concurred in and adopted the Senate amendment to the bill, H. 234, said Senate amendment being as follows:

Amend House Bill 234 on page 5, line 32, by inserting the following sentence after the word "officials."

"This decal shall take the place of all other decals of any county or municipality, and there will be no other decals required. Said decal shall be proof of payment of said registration fee; and ~~it is further provided that~~ no local taxing authorities of local jurisdiction shall impose any other registration fee that is in addition to the fee provided for herein. However the payment of said fee shall not preclude the payment of duly enacted local taxes."

Yeas 26; Nays 0.

Yeas:

Reps. Beasley, Bryant, Carothers, Curry, Dillard, Freeman, Gaston, Goodwin, Hall, Hettinger, Higginbotham, Junkins, Knight, Kvalheim, Lindsey, Logan, Marks, Mathis, McKee, Melton, Moon, Newman, Seibels, Starkey, Thomas and Turner.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Grayson to indefinitely postpone the bill, H. 99, was lost.

Yeas 16; Nays 42.

Yeas:

Reps. Biddle, Black, Box, Bryant, Buskey (JE), Grayson, Hall, Higginbotham, Junkins, Logan, McKee, Melton, Payne, Rogers, Seibels and White (G).

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Nays:

Mr. Speaker, Adams, Beasley, Blake, Bowling, Bugg, Carothers, Carter, Coburn, Cosby, Crow, Curry, Dillard, Flowers, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hammett, Harvey, Haynes, Hogan, Holley, Johnson (RW), Knight, Lindsey, Marks, Mathis, Moon, Newman, Rains,

Richardson, Slaughter, Starkey, Thomas, Turner, Turnham, Warren, Willis and Zoghby.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Melton would have voted "Nay" on the motion to indefinitely postpone had he been in the Chamber at the time of voting.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 210. To make an appropriation for the support and maintenance of Walker County Junior College for the fiscal year ending September 30, 1989.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 106. To amend Sections 9-13-82 and 9-13-84, Code of Alabama 1975, as amended, which provide for the severance tax on forest products and the distribution of the proceeds thereof, so as to increase said tax and provide further for its distribution.

Also:

H. 156. To create an Alabama "generation-skipping transfer" tax which takes advantage of the state tax credit allowed in computing the federal "generation-skipping transfer" tax, thereby adding revenues to the state of Alabama without increasing the total tax liability of taxpayers.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 99 RESUMED

The question was again on the motion offered by Rep. Grayson to indefinitely postpone the bill, H. 99.

SUBSTITUTE MOTION OFFERED

Rep. Cosby offered the substitute motion to substitute the bill, S. 100, for the bill, H. 99.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendments to the following Senate Bill:

S. 149. To provide for a voluntary check-off designation on state income tax returns for the 1989 tax year and each year thereafter for the Alabama Veterans' Home Program; to provide the form for such designation; to provide for the crediting to the Department of Veterans' Affairs of the total amount designated for nursing home and health care services for aged and disabled veterans in Alabama; and to provide for an effective date.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 21. To make an appropriation for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1989.

Also:

H. 155. To make a supplemental appropriation from the Alabama Special Education Trust Fund to the Children's Hospital of Alabama in Birmingham, Alabama, for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 126. To amend sections 16-31-1 and 16-31-4 of the Code of Alabama 1975 relating to the American Legion Scholarships so as to increase the value of the scholarships and to increase the number of scholarships awarded, except for persons currently receiving the scholarships shall remain at the current rate.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 85. Relating to Franklin County; to provide for additional expense allowances for members of the board of registrars and to provide for its retroactive effect.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 33. To make an appropriation of \$750,000 from the Alabama Special Educational Trust Fund to the Alabama Shakespeare Festival for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 43. This bill provides for a supplemental appropriation of \$80,000 from the state general fund to the State Treasurer's Office for the fiscal year ending September 30, 1988.

Also:

H. 57. To amend Section 36-13-12 of the Code of Alabama 1975, providing pension for widows of governors, so as to provide further for the amount of such pension and to provide such pension for certain widowers of governors.

Also:

H. 72. To make an appropriation for the support and maintenance of Sylacauga Nurses Training School for the fiscal year ending September 30, 1989.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 153. To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1989.

Also:

H. 200. To make an appropriation for the support and maintenance of Marion Military Institute for the fiscal year ending September 30, 1989.

Also:

H. 211. To make an appropriation for the support and maintenance of Talladega College for the fiscal year ending September 30, 1989.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 168. NAMING THE NEW STATE OFFICE BUILDING, NOW UNDER CONSTRUCTION, IN HONOR OF THE LATE SETH GORDON PERSONS, FORMER GOVERNOR OF THE STATE OF ALABAMA.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 132. To levy a fee of \$8.00 per ton on operators of commercial sites for the disposal of hazardous waste or hazardous substances for each ton of hazardous waste or hazardous substance received for disposal and disposed of at such sites; to define certain terms; to provide for penalties and interest charge for non-compliance, departmental cost for collection, authority for rulemaking, and general record keeping requirements for commercial hazardous waste or hazardous substance disposal facility operators; and to provide that the operators of such sites shall pay all such fees levied to the State General Fund.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the House concurred in and adopted the Senate amendment to the bill, H. 132, said Senate amendment being as follows:

AMENDMENT TO HOUSE BILL 132 PASSED THE HOUSE

Amend House Bill 132 as passed on page 1, line 14 by striking the words "fee of \$8.00 and insert in lieu thereof the following:

"state fee of \$7.60 per ton and a county fee of \$.40";

Further amend on page 1, line 23 by inserting the following after the words "all such" by inserting the following "state"; further amend on page 1 line 24 after the word "Fund" by inserting the following: "and for the county fee, to the credit of the general fund of the county wherein hazardous waste disposal sites are located";

Further amend on page 2, after line 31 by inserting a new Section 4 and by re-numbering the remaining sections accordingly:

Section 4. In addition to all fees levied heretofore or hereafter, expressly including the tax levied in Section 2 of this Act there is also hereby levied a fee to be paid by the operators of each commercial site for the disposal of hazardous waste in the amount of \$.40 per ton to be collected by the county and deposited to the credit of the general fund of the county wherein such commercial hazardous waste disposal site is located; and all such proceeds shall be expended for health purposes. It is further provided that all provisions relating to the state fee including date of payment, required reporting, penalties, interest, property liens, record keeping, recovery of overpayment and prosecution for violations shall also apply to the county fee levied by this section.

Further amend on page 2, line 32, after the word "All", by inserting the word state;

Further amend on page 2, line 24 after the word "shall" by inserting the following: fully cooperate with county officials for the successful administration of the county fee levied in Section 4 of this act and

Further amend on page 2, line 24 by striking the figure "\$8.00" and by inserting in lieu thereof the figure:

"\$7.60".

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Beasley, Biddle, Black, Blake, Bowling, Box, Bryant, Bugg, Butler, Campbell, Carothers, Carter, Coburn, Cosby, Crow, Curry, Dillard, Escott, Faulk, Frazier, Freeman, Gaston, Goodwin, Grayson, Hall, Hammett, Harvey, Haynes, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Moon, Newman, Newton, Parker, Payne, Rains, Reed, Richardson, Rogers, Seibels, Spratt, Starkey, Thomas, Turner, White (F), White (G), White (L), Williams, Willis and Zoghby.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 183. Relating to Escambia County; there is hereby levied a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of cigarettes in such county; providing for the collection and enforcement of the tax; and appropriating the proceeds therefrom.

Also:

H. 90. Relating to the twenty-first judicial circuit, Escambia County, Alabama; providing further for expense allowances for the presiding circuit judge, circuit judge No. 2 and the district judge of the circuit; providing that

such expense allowances shall be payable from the county treasury; and providing for an effective date for this act.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 99 AGAIN TAKEN UP

S. 100 SUBSTITUTED FOR H. 99

On motion of Rep. Cosby, the bill, S. 100, was substituted for the bill, H. 99.

And the bill:

S. 100. To amend Sections 40-6-1, 40-6-3 and 40-6-4, Code of Alabama 1975, relating to the compensation and benefits paid to supernumerary tax assessors, tax collectors, revenue commissioners, license commissioners or other elected officials charged with the assessment and/or collection of ad valorem taxes, so as to cover appointed ad valorem tax officials and provide for a surviving spouse benefit.

Was taken up.

MOTION TO CARRY OVER TABLED

On motion of Rep. Cosby, the motion offered by Rep. Grayson to carry over the bill, S. 100, to the eleventh legislative day, was tabled.

Yeas 43; Nays 17.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Bowling, Box, Campbell, Carothers, Carter, Cosby, Crow, Curry, Dillard, Flowers, Frazier, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Hogan, Hooper, Knight, Kvalheim, Laird, Logan, Marks, Mathis, McMillan, Melton, Moon, Slaughter, Starkey, Turner, Turnham, Venable, Warren, White (F), White (G), Williams, Willis and Zoghby.

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Nays:

Reps. Black, Brooks, Bryant, Bugg, Buskey (JE), Butler, Clark (W), Escott, Grayson, Hettinger, Higginbotham, McKee, Reed, Rogers, Seibels, Spratt and White (L).

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolution, to-wit:

H. 33. To make an appropriation of \$750,000 from the Alabama Special Educational Trust Fund to the Alabama Shakespeare Festival for the fiscal

year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 43. This bill provides for a supplemental appropriation of \$80,000 from the state general fund to the State Treasurer's Office for the fiscal year ending September 30, 1988.

Also:

H. 57. To amend Section 36-13-12 of the Code of Alabama 1975, providing pension for widows of governors, so as to provide further for the amount of such pension and to provide such pension for certain widowers of governors.

Also:

H. 72. To make an appropriation for the support and maintenance of Sylacauga Nurses Training School for the fiscal year ending September 30, 1989.

Also:

H. 153. To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1989.

Also:

H. 211. To make an appropriation for the support and maintenance of Talladega College for the fiscal year ending September 30, 1989.

Also:

H. 200. To make an appropriation for the support and maintenance of Marion Military Institute for the fiscal year ending September 30, 1989.

Also:

H. 85. Relating to Franklin County; to provide for additional expense allowances for members of the board of registrars and to provide for its retroactive effect.

Also:

H. 21. To make an appropriation for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1989.

Also:

H. 155. To make a supplemental appropriation from the Alabama Special Education Trust Fund to the Children's Hospital of Alabama in Birmingham, Alabama, for the fiscal year 1988-89, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 126. To amend sections 16-31-1 and 16-31-4 of the Code of Alabama 1975 relating to the American Legion Scholarships so as to increase the value of the scholarships and to increase the number of scholarships awarded, except for persons currently receiving the scholarships shall remain at the current rate.

Also:

H. J. R. 168. NAMING THE NEW STATE OFFICE BUILDING, NOW UNDER CONSTRUCTION, IN HONOR OF THE LATE SETH GORDON PERSONS, FORMER GOVERNOR OF THE STATE OF ALABAMA.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolution, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 149. To provide for a voluntary check-off designation on state income tax returns for the 1989 tax year and each year thereafter for the Alabama Veterans' Home Program; to provide the form for such designation; to provide for the crediting to the Department of Veterans' Affairs of the total amount designated for nursing home and health care services for aged and disabled veterans in Alabama; and to provide for an effective date.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

S. 100 RESUMED

MOTION TO CARRY OVER TABLED

On motion of Rep. Cosby, the motion offered by Rep. Rogers to carry over the bill, S. 100, to the twelfth legislative day, was tabled.

Yeas 21; Nays 11.

Yeas:

Mr. Speaker, Cosby, Curry, Dillard, Gray, Hamilton, Harvey, Hettinger, Hill, Hogan, Knight, Laird, Logan, Marietta, Mathis, McMillan, Poole, Richardson, Slaughter, White (G) and Zoghby.

Nays:

Reps. Bryant, Bugg, Carothers, Freeman, Grayson, Hall, Haynes, Higginbotham, Johnson (RG), Petelos and Rogers.

—11

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 234. To provide for revisions to the Code of Alabama 1975, dealing with ad valorem taxation, so as to offer equity and equalization in administration of ad valorem taxes, by amending the following code sections successively: Section 40-7-23, Code of Alabama 1975, as amended, to establish requirements under which a taxpayer may avoid the statutory ten percent penalty normally assessed on escaped tangible personal property ad valorem taxes, for the tax years ending on or before September 30, 1988, and to waive, upon the taxpayer's fulfilling the requirements of Section 40-7-23, the taxpayer's ad valorem tax liability on tangible personal property so assessed for the tax years ending on or before September 30, 1987; Sections 40-7-1, 40-8-1, 40-11-1, 40-12-240, 40-12-255 and 40-12-256, Code of Alabama 1975, to provide for assessment and payment of ad valorem taxes by owners of mobile homes the same as other real property and personal property owners, to identify the class of assessment for travel trailers, to eliminate the requirement for owners of mobile homes to purchase a license tag and pay the \$3.00 registration fee, to provide for the uniform identification and assessment of mobile homes, to authorize the commissioner of revenue to require that certain mobile home and ad valorem tax information be reported by real property owners on forms and through procedures prescribed by the commissioner of revenue, to require any public or private entity that provides or sells any gas or electric services to provide to the county tax assessing official, at least monthly, a list containing each mobile home to which such entity has connected gas or electric service in the county during the preceding period, together with the name of the occupant and the location of the connection, to authorize the commissioner of revenue to promulgate rules and regulations necessary to carry out the provisions of this act and to make certain grammatical and clarifying changes; Sections 40-5-9, 40-10-21, 40-10-75, 40-10-76, 40-10-77, 40-10-83, 40-10-121, 40-10-122, and 40-10-132, Code of Alabama 1975, to increase the interest rate on delinquent ad valorem taxes and on taxes paid upon redemption; and by amending Section 40-7-21, Code of Alabama 1975, establishing the class of misdemeanor for failure or refusal to provide information deemed essential to assessment of property and to authorize proper authority to audit, examine, and inspect records and property, as needed, to enforce the assessment and collection of ad valorem taxes.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 222. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of heating and air conditioning contractors as provided in Sections 34-31-18 through 34-31-34, Code of Alabama 1975, with certain modifications; to amend Sections 34-31-18, 34-31-19, 34-31-21(g), 34-31-24, 34-31-28 and 34-31-31, Code of Alabama 1975, so as to: distinguish the function of install from service and repair; to delete all references to "registered" contractors; to correct an erroneous code subsection reference; and to provide further for the exemption period for taking examinations of the board for certain contractors having at least two years of experience (grandfather clause).

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S. J. R. 58. EXPRESSING LEGISLATIVE INTENT REGARDING
SENATE BILL 2.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the above and foregoing Message from the Senate.

S. 100 RESUMED

AMENDMENT OFFERED

Rep. Grayson offered the following amendment #1 to the bill, S. 100:

AMENDMENT #1 TO S. B. 100

Amend S. B. 100 as follows:

Delete the word "spouse" wherever it appears throughout the bill.

AMENDMENT TABLED

On motion of Rep. Cosby the amendment was tabled.

Yeas 27; Nays 13.

Yeas:

Mr. Speaker, Box, Carter, Coburn, Cosby, Curry, Dillard, Flowers, Frazier, Gaston, Gray, Harvey, Hill, Hogan, Hooper, Laird, Logan, Marks, McMillan, Moon, Rains, Slaughter, Starkey, Turner, Turnham, White (G) and Willis.

—27

Nays:

Reps. Bryant, Bugg, Freeman, Grayson, Hall, Higginbotham, Johnson (RG), McKee, Newton, Petelos, Reed, Rogers and Spratt.

—13

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Grayson offered the following amendment #2 to the bill, S. 100:

AMENDMENT #2 TO S. B. 100

Amend S. B. 100 as follows:

On page 7, delete lines 27 through 29 in their entirety and insert in lieu thereof the following language:

Section 4. The provisions of this amendatory act shall become effective in each county having a population of less than 600,000 inhabitants only upon the adoption of a resolution by the county commission after notice of the deliberation of the resolution shall be given for two weeks in a newspaper published in the county.

AMENDMENT TABLED

On motion of Rep. Cosby, the amendment was tabled.

Yeas 28; Nays 23.

Yeas:

Mr. Speaker, Adams, Blake, Coburn, Cosby, Crow, Dillard, Frazier, Fuller, Gaston, Hammett, Harvey, Hogan, Hooper, Kvalheim, Logan, Marks, McMillan, Rains, Reed, Richardson, Slaughter, Turner, Venable, Warren, White (L), Williams and Zoghby.

—28

Nays:

Reps. Box, Bryant, Buskey (JL), Carothers, Curry, Flowers, Freeman, Goodwin, Gray, Grayson, Hall, Haynes, Higginbotham, Hill, Johnson (RG), McKee, Moon, Petelos, Rogers, Seibels, Spratt, Starkey and Turnham.

—23

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 222. Relating to the Alabama Sunset Law; to continue the existence and functioning of the board of heating and air conditioning contractors as provided in Sections 34-31-18 through 34-31-34, Code of Alabama 1975, with certain modifications; to amend Sections 34-31-18, 34-31-19, 34-31-21(g), 34-31-24, 34-31-28 and 34-31-31, Code of Alabama 1975, so as to: distinguish the function of install from service and repair; to delete all references to "registered" contractors; to correct an erroneous code subsection reference; and to provide further for the exemption period for taking examinations of the board for certain contractors having at least two years of experience (grandfather clause).

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 132. To levy a state fee of \$7.60 and a county fee of \$.40 per ton on operators of commercial sites for the disposal of hazardous waste or hazardous substances for each ton of hazardous waste or hazardous substance received for disposal and disposed of at such sites; to define certain terms; to provide for penalties and interest charge for non-compliance, departmental

cost for collection, authority for rulemaking, and general record keeping requirements for commercial hazardous waste or hazardous substance disposal facility operators; and to provide that the operators of such sites shall pay all such state fees levied to the State General Fund and for the county fee, to the credit of the general fund of the county wherein hazardous waste disposal sites are located.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

S. 100 RESUMED

AMENDMENT OFFERED

Rep. Grayson offered the following amendment #3 to the bill, S. 100:

Amend S. 100 as follows:

On page 1, line 8, following the word "collection" insert the following language:

or appropriation

And, on page 1, line 20, following the word "collection" insert the following language:

or appropriation

On page 2, lines 2, 13, 17 and 26, following the word "collection" insert the following language:

or appropriation

On page 3, lines 5, 9, 23, 31 and 35, following the word "collection" insert the following language:

or appropriation

On page 4, line 9, following the word "collection" insert the following language:

or appropriation

On page 5, line 8, following the word "collecting" insert the following language:

or appropriating

On page 6, lines 18 and 29, following the word "collection" insert the following language:

or appropriation

And, on page 7, line 24, following the word "collection" insert the following language:

or appropriation

AMENDMENT TABLED

On motion of Rep. Cosby, the amendment #3 offered by Rep. Grayson to the bill, S. 100, was tabled.

Yeas 29; Nays 11.

Yeas:

Reps. Blake, Blakeney, Bowling, Coburn, Cosby, Crow, Curry, Dillard, Ford, Frazier, Fuller, Gaston, Harvey, Hill, Hogan, Hooper, Kvalheim, Laird, Logan, Marietta, Marks, McMillan, Richardson, Walker, Warren, White (F), Willis, Wright and Zoghby.

—29

Nays:

Reps. Bryant, Buskey (JL), Butler, Freeman, Grayson, Hall, Higginbotham, Newton, Petelos, Rogers and Seibels.

—11

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Grayson offered the following amendment #4 to the bill, S. 100:

Amend S. B. 100 as follows:

On page 1, line 29, strike through the figures 600,000 and insert after the ~~600,000~~ the following language:

100,000

AMENDMENT TABLED

On motion of Rep. Cosby, the amendment was tabled.

Yeas 24; Nays 14.

Yeas:

Mr. Speaker, Biddle, Campbell, Cosby, Curry, Dillard, Frazier, Fuller, Gaston, Grouby, Harvey, Hill, Hogan, Knight, Marks, Moon, Payne, Penry, Richardson, Slaughter, Turner, Turnham, Warren and Zoghby.

—24

Nays:

Reps. Bugg, Buskey (JE), Freeman, Grayson, Hall, Haynes, Higginbotham, Johnson (RG), Junkins, McKee, Newton, Poole, Rogers and Seibels.

—14

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 100, was read a third time at length and passed.

Yeas 45; Nays 18.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Box, Buskey (JL), Carothers, Carter, Coburn, Cosby, Crow, Dillard, Ford, Frazier, Freeman, Fuller, Gaston, Grouby, Hammett, Harvey, Hill, Hogan, Hooper, Kvalheim, Layson, Lindsey, Marietta, Marks, Mathis, McMillan, Mikell, Moon, Richardson, Slaughter, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (L), Williams, Willis and Zoghby.

—45

Nays:

Reps. Brooks, Bryant, Bugg, Grayson, Hall, Haynes, Higginbotham, Johnson (RG), Junkins, McClain, McDowell, McKee, Newton, Petelos, Rogers, Seibels, White (F) and White (G).

—18

And the bill:

H. 61. To amend the Alabama Trademark Act to include the registrability of business tradenames thereby creating an "Alabama Trademark and Tradename Act" by amending sections 8-12-6, 8-12-7, 8-12-8, 8-12-9, 8-12-14, 8-12-16, and 8-12-17 of the Code of Alabama 1975. Further to provide for transition provisions for existing trademarks and an effective date of January 1, 1989.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Bowling, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Dillard, Ford, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Hill, Hogan, Hooper, Johnson (RG), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newton, Parker, Payne, Perdue, Petelos, Poole, Richardson, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), Williams, Willis and Zoghby.

—69

And the bill:

H. 221. To provide further for the revision of the guardianship laws of this state by amending Sections 1-106, 1-107, 2-104, 2-309, and 2-313 of

the Alabama Uniform Guardianship and Protective Proceedings Act, Act No. 87-590, H. 233, which sections appear respectively as sections 26-2A-6, 26-2A-7, 26-2A-73, 26-2A-138, 26-2A-142, and 26-2A-8 of the Code of Alabama 1975.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 1.

Yeas:

Mr. Speaker, Adams, Black, Blakeney, Bowling, Box, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carter, Clark (W), Coburn, Crow, Curry, Dillard, Flowers, Ford, Frazier, Fuller, Gaston, Grouby, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Junkins, Knight, Kvalheim, Lindsey, Logan, Marietta, Marks, McKee, Mikell, Moon, Newman, Payne, Poole, Reed, Richardson, Seibels, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Willis and Zoghby.

—57

Nay: Rep. Laird.

—1

And the bill:

H. 56. To amend Section 37-4-23 of the Code of Alabama 1975, to further provide for the disposition and disbursement of fees collected thereunder.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 1.

Yeas:

Reps. Adams, Beasley, Biddle, Blake, Blakeney, Bowling, Box, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Dillard, Escott, Faulk, Flowers, Ford, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hammett, Harvey, Haynes, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Junkins, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Perdue, Poole, Rains, Reed, Rogers, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—73

Nay: Rep. Payne.

—1

H. 48 TEMPORARILY CARRIED OVER

On motion of Rep. Marietta, the bill, H. 48, was temporarily carried over.

And the bill:

H. 59. This bill requires pipeline facilities transporting hazardous liquids and/or liquified natural gas (LNG) and facilities used in the liquification of natural gas to comply with certain standards of safety; granting certain

additional rights, powers and authority to the Alabama Public Service Commission to carry out the purposes of this Act; prescribing jurisdictions of courts for injunction proceedings; and prescribing monetary sanctions for violations of certain standards of safety.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Blake, Blakeney, Bowling, Box, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carter, Clark (W), Cosby, Crow, Curry, Dillard, Faulk, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hammett, Harvey, Haynes, Hill, Hogan, Johnson (RG), Junkins, Kennedy, Knight, Kvalheim, Laird, Logan, Marietta, Marks, Mathis, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Starkey, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—69

H. 4 TEMPORARILY CARRIED OVER

On motion of Rep. Marietta, the bill, H. 4, was temporarily carried over.

And the bill:

H. 133. To amend Sections 17-13-7, 17-16-35, 17-16-36, 17-17-2, 17-19-4, and 17-20-3, Code of Alabama, 1975, relating to the reporting of election results to the secretary of state so as to stipulate that the results will be reported by precincts.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Blake, Blakeney, Box, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Dillard, Faulk, Flowers, Ford, Frazier, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Haynes, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton, Payne, Petelos, Poole, Rains, Richardson, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—72

And the bill:

H. 158. To amend Section 26-16-5, Code of Alabama 1975, relating to meetings of the Child Abuse and Neglect Prevention Board, so as to delete two mandated meeting dates of such Board.

Was taken up.

S. 171 SUBSTITUTED FOR H. 158

On motion of Rep. Carothers, the bill, S. 171, was substituted for the bill, H. 158.

And the bill:

S. 171. To amend Section 26-16-5, Code of Alabama 1975, relating to meetings of the Child Abuse and Neglect Prevention Board, so as to delete two mandated meeting dates of such Board.

Was read a third time at length and passed.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Beasley, Biddle, Blake, Blakeney, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Dillard, Escott, Flowers, Ford, Frazier, Gaston, Goodwin, Gray, Grouby, Hamilton, Haynes, Higginbotham, Hill, Hogan, Hooper, Johnson (RG), Junkins, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—72

MOTION TO SUSPEND RULES

Rep. Hooper offered the motion to suspend the rules in order to take up out of order the bill, H. 318.

MOTION IN WRITING REFUSED FOR FILING

The Motion in Writing offered by Rep. Turner was refused to be accepted for filing by the Speaker.

RULING OF CHAIR APPEALED

Rep. Turner appealed the ruling of the Chair on his Motion in Writing.

MOTION IN WRITING WITHDRAWN

Rep. Turner requested permission to withdraw his Motion in Writing.

MOTION IN WRITING

Rep. Walker offered the following Motion in Writing:

I move the previous question.

And the Motion in Writing was adopted.

Yeas 57; Nays 26.

Yeas:

Mr. Speaker, Adams, Biddle, Blakeney, Bowling, Bryant, Butler, Carter, Cosby, Curry, Dillard, Faulk, Flowers, Ford, Fuller, Gray, Grouby, Hamilton, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper,

Johnson (RG), Junkins, Knight, Laird, Layson, Lindsey, Logan, Marks, Mathis, McKee, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Seibels, Spratt, Turnham, Venable, Walker, Warren, White (F), White (L) and Wright.

—57

Nays:

Reps. Black, Blake, Box, Bugg, Buskey (JE), Buskey (JL), Carothers, Clark (W), Coburn, Escott, Gaston, Grayson, Harper, Johnson (RW), Kennedy, Kvalheim, Marietta, McMillan, Reed, Rogers, Slaughter, Starkey, Turner, White (G), Williams and Zoghby.

—26

DISSENT REGISTERED

Rep. Turner registered his dissent according to Section 55 of the Constitution of Alabama on grounds that the time is now 1:00 o'clock a.m.

MOTION IN WRITING

Rep. Hooper offered the following Motion in Writing:

I move to suspend the rules to bring up H. B. 318.

And the Motion in Writing was lost, lacking a four-fifths vote.

Yeas 64; Nays 22.

Yeas:

Mr. Speaker, Adams, Biddle, Blake, Blakeney, Bowling, Bryant, Butler, Carothers, Carter, Coburn, Cosby, Crow, Curry, Dillard, Escott, Faulk, Flowers, Ford, Freeman, Fuller, Gray, Grouby, Hamilton, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Junkins, Knight, Laird, Layson, Lindsey, Logan, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Spratt, Starkey, Turnham, Venable, Walker, Warren, White (F), White (L) and Wright.

—64

Nays:

Reps. Black, Box, Bugg, Buskey (JE), Buskey (JL), Campbell, Clark (W), Gaston, Grayson, Harper, Johnson (RW), Kennedy, Kvalheim, Marietta, Reed, Rogers, Seibels, Slaughter, Turner, White (G), Williams and Zoghby.

—22

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Harper to suspend the rules in order to take up out of order the bill, H. 351, was lost, lacking a four-fifths vote.

Yeas 37; Nays 31.

Yeas:

Mr. Speaker, Black, Blake, Blakeney, Bryant, Bugg, Buskey (JE), Butler, Carothers, Clark (W), Coburn, Escott, Harper, Higginbotham, Hogan, Holley,

Johnson (RW), Kennedy, Layson, Lindsey, Mathis, McMillan, Moon, Newton, Perdue, Petelos, Rains, Reed, Richardson, Seibels, Slaughter, Spratt, Starkey, Turnham, White (G), Williams and Zoghby.

—37

Nays:

Reps. Adams, Biddle, Box, Carter, Cosby, Crow, Curry, Dillard, Ford, Fuller, Gaston, Gray, Grouby, Hall, Hamilton, Harvey, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Logan, McKee, Melton, Mikell, Payne, Poole, Turner, Venable, Warren and Wright.

—31

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Harper to suspend the rules in order to take up out of order the bill, H. 164, was lost, lacking a four-fifths vote.

Yeas 34; Nays 30.

Yeas:

Mr. Speaker, Blake, Blakeney, Bryant, Butler, Campbell, Carothers, Carter, Coburn, Dillard, Fuller, Harper, Harvey, Higginbotham, Johnson (RW), Kennedy, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Mikell, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Starkey, Turnham, Venable, White (G) and Zoghby.

—34

Nays:

Reps. Adams, Box, Bugg, Cosby, Crow, Curry, Escott, Flowers, Ford, Gaston, Gray, Grayson, Grouby, Hall, Hogan, Holley, Junkins, Kvalheim, Layson, McKee, Moon, Newton, Parker, Payne, Poole, Spratt, Turner, Warren, White (F) and Wright.

—30

H. 5 TEMPORARILY CARRIED OVER

On motion of Rep. Campbell, the bill, H. 5, was temporarily carried over.

H. 175 TEMPORARILY CARRIED OVER

On motion of Rep. Haynes, the bill, H. 175, was temporarily carried over.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Haynes, the rules were suspended in order to take up out of order the bill, H. 164, viva voce.

And the bill:

H. 164. (With Substitute): To levy an additional state sales and use tax, to provide for the administration of said tax and to provide for the expiration of the tax.

Was taken up.

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Dillard offered the following substitute to the substitute reported by the Standing Committee on Ways and Means:

A BILL TO BE ENTITLED AN ACT

To levy an additional state sales and use tax, to provide for the administration of said tax and to provide for the expiration of the tax.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby levied a special sales and use tax which shall exactly parallel, except for the rate of the tax and the distribution of proceeds, the tax set forth in Sections 40-23-1 through 40-23-38, Sections 40-23-60 through 40-23-88, and Sections 40-23-100 through 40-23-110 of the Code of Alabama 1975. Said tax shall be levied, assessed, collected and administered in the same manner as the existing state sales and use tax prescribed in Sections 40-23-1 through 40-23-38, Sections 40-23-60 through 40-23-88, and Sections 40-23-100 through 40-23-110. There are exempted and excluded from the provisions of the tax herein levied the same exemptions and exclusions applicable to the state sales and use taxes levied pursuant to Sections 40-23-1 through 40-23-38, Sections 40-23-60 through 40-23-88, and Sections 40-23-100 through 40-23-110. The tax herein levied shall be in addition to all other taxes of every kind now imposed by law.

Section 2. The rate of the tax herein levied shall be one fourth of one percent (1/4%).

Section 3. The proceeds of the tax herein levied shall be paid into the state general fund.

Section 4. The provisions of the act shall be effective from October 1, 1988, until September 30, 1989.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 47; Nays 18.

Yeas:

Mr. Speaker, Blake, Blakeney, Box, Bryant, Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Dillard, Faulk, Ford, Freeman, Gaston, Gray, Hall, Hamilton, Harper, Harvey, Higginbotham, Hill, Hogan, Johnson (RG), Johnson (RW), Kvalheim, Lindsey, Marks, McMillan, Parker, Payne, Petelos, Rains, Reed, Richardson, Seibels, Slaughter, Starkey, Turner, Turnham, Venable, White (F), White (G), Williams and Zoghby.

Nays:

Reps. Bugg, Buskey (JE), Cosby, Curry, Escott, Holley, Hooper, Junkins, Kennedy, Laird, Layson, Mathis, McKee, Moon, Newton, Poole, Spratt and Warren.

—18

MOTION TO SUSPEND HOUSE RULE 35 LOST

The motion offered by Rep. Knight to suspend House Rule 35 was lost, lacking a four-fifths vote.

Yeas 39; Nays 16.

Yeas:

Mr. Speaker, Blake, Blakeney, Box, Bugg, Butler, Carothers, Carter, Cosby, Crow, Curry, Faulk, Freeman, Hall, Hamilton, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Lindsey, Marks, Mathis, Moon, Parker, Payne, Perdue, Reed, Richardson, Slaughter, Spratt, Starkey, White (F) and Williams.

—39

Nays:

Reps. Black, Escott, Gaston, Gray, Grayson, Kvalheim, Laird, Layson, Newton, Poole, Rains, Rogers, Thomas, Turnham, Warren and Zoghby.

—16

H. 164 RESUMED AMENDMENT OFFERED

Rep. Holley offered the following amendment to the bill, H. 164 as amended:

To amend the substitute to H. B. 164 on page 1 by deleting lines 21 and 22 in their entirety and inserting in lieu thereof the following:

“Sections 40-23-1 through 40-23-36 and 40-23-38, Sections 40-23-60 through 40-23-62 and 40-23-64 through 40-23-88, and Sections 40-23-100 through 40-23-110 of the Code of”

Further amend the bill on page 1 by deleting lines 25 and 26 in their entirety and inserting in lieu thereof the following:

“use tax prescribed in Sections 40-23-1 through 40-23-36 and 40-23-38, Sections 40-23-60 through 40-23-62 and 40-23-64 through 40-23-88, and Sections 40-23-100 through”

Further amend the bill on page 1 by deleting lines 30 and 31 in their entirety and inserting in lieu thereof the following:

“Sections 40-23-1 through 40-23-36 and 40-23-38, Sections 40-23-60 through 40-23-62 and 40-23-64 through 40-23-88, and Sections 40-23-100 through 40-23-110. The tax”.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 55; Nays 13.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Bryant, Butler, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Dillard, Faulk, Flowers, Freeman, Gaston, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McKee, McMillan, Mikell, Parker, Payne, Poole, Rains, Reed, Richardson, Starkey, Turner, Turnham, Venable, Warren, White (F), White (G) and Williams.

—55

Nays:

Reps. Box, Buskey (JE), Curry, Escott, Gray, Junkins, Knight, Moon, Newton, Petelos, Slaughter, Spratt and Zoghby.

—13

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Biddle abstained from voting on the bill, H. 164, due to possible conflict of interest.

And the bill, H. 164 as amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 33; Nays 31.

Yeas:

Mr. Speaker, Blakeney, Bryant, Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Dillard, Faulk, Hamilton, Harper, Higginbotham, Hill, Lindsey, Logan, Marks, Mathis, Petelos, Rains, Reed, Richardson, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, White (F), White (G) and Zoghby.

—33

Nays:

Reps. Adams, Blake, Box, Bugg, Buskey (JE), Cosby, Crow, Curry, Escott, Flowers, Freeman, Gaston, Gray, Grayson, Grouby, Hall, Haynes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kvalheim, Laird, Layson, McKee, Moon, Newton, Payne, Poole, Rogers and Williams.

—31

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Holley would have voted "Nay" on the bill, H. 164, had he been in the Chamber at the time of voting.

Permission was granted for the Journal to reflect that Rep. Harvey would have voted "Yea" on the bill, H. 164, had he been in the Chamber at the time of voting.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Manley:

S. J. R. 60. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses of the legislature adjourn on September 15th that the two houses agree to adjourn until Tuesday, September 20th.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Campbell, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 60, set out in the above and foregoing Message from the Senate.

HOUSE BILLS POSTPONED

On motion of Rep. Campbell, all House Bills remaining on the Calendar at the adjournment of the tenth legislative day will be indefinitely postponed.

RESOLUTION

The following resolution was introduced:

By Reps. Butler, Hall, Freeman, Grayson, Brooks, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (J), Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Fuller, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby:

H. J. R. 173. COMMENDING OUR COLLEAGUE REPRESENTATIVE STEPHEN R. HETTINGER OF HUNTSVILLE, ALABAMA.

WHEREAS, it is with highest commendation that the Legislature of Alabama congratulates Stephen R. Hettinger upon his recent election to the Office of Mayor of the City of Huntsville, Alabama; and

WHEREAS, Mr. Hettinger, representing a portion of Madison County, has served with distinction as a member of the House of Representatives since 1982; and

WHEREAS, he presently serves as Chairman of the House Local Government Committee and as a member of the Judiciary Committee; he has

served as a member of the Banking Committee each of his three terms and as a member of the House Commercial and Industrial Development and Highway Safety Committees; and

WHEREAS, with his selfless devotion and his tireless efforts in many spheres of activity dedicated to the welfare and progress of this State, Mr. Hettinger has been a credit to this body and to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest praise of our colleague, Stephen R. Hettinger of Huntsville, Alabama, for outstanding achievement, and further extend sincere best wishes for his every future success in life.

BE IT FURTHER RESOLVED, That Mr. Hettinger receive a copy of this resolution executed in deep appreciation, admiration and esteem.

On motion of Rep. Butler, the rules were suspended and the resolution, H. J. R. 173, was adopted.

MOTION TO ADJOURN LOST

The motion offered by Rep. Flowers that the House adjourn until 2:00 o'clock p.m., Tuesday, September 20, was lost.

Yeas 32; Nays 36.

Yeas:

Reps. Adams, Black, Blake, Blakeney, Buskey (JE), Buskey (JL), Clark (W), Cosby, Crow, Escott, Faulk, Flowers, Freeman, Gray, Grayson, Grouby, Hall, Hettinger, Hill, Hogan, Hooper, Kennedy, Layson, Mathis, Mikell, Newton, Perdue, Reed, Slaughter, Spratt, Starkey and Williams.

—32

Nays:

Mr. Speaker, Biddle, Box, Bryant, Bugg, Campbell, Carothers, Carter, Coburn, Curry, Gaston, Harper, Haynes, Higginbotham, Holley, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Laird, Lindsey, McMillan, Melton, Moon, Payne, Petelos, Poole, Rains, Richardson, Seibels, Turner, Turnham, White (F), White (G) and Zoghby.

—36

MOTION TO ADJOURN LOST

The motion offered by Rep. Hall that the House adjourn until 2:00 o'clock p.m., Tuesday, September 20, 1988, was lost.

Yeas 28; Nays 31.

Yeas:

Reps. Adams, Black, Blake, Blakeney, Clark (W), Crow, Curry, Escott, Faulk, Flowers, Gray, Grayson, Grouby, Hall, Hamilton, Higginbotham, Hill, Hooper,

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Laird, Logan, Mathis, McKee, Mikell, Slaughter, Spratt, Starkey, White (F) and Williams.

—28

Nays:

Mr. Speaker, Biddle, Box, Bryant, Bugg, Carothers, Carter, Coburn, Gaston, Harper, Haynes, Hogan, Holley, Johnson (RG), Johnson (RW), Knight, Kvalheim, Lindsey, Marietta, McMillan, Moon, Parker, Payne, Petelos, Poole, Rains, Richardson, Turner, Turnham, White (G) and Zoghby.

—31

MOTION TO RECONSIDER

Having voted on the prevailing side, Rep. Blakeney offered the motion to reconsider the vote by which the bill, H. 164, was passed.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:43 A.M. on September 15, 1988.

H. 224

H. 42

Delivered to the Governor at 2:25 P.M. on September 15, 1988.

H. 24

H. 315

H. 124

H. 330

H. 180

H. 228

H. 215

H. 312

H. 259

H. 324

H. 278

H. 294

H. 307

H. 335

H. 326

H. 346

H. 338

Delivered to the Governor at 6:40 P.M. on September 15, 1988.

H. 210

H. 153

H. 106

H. 211

H. 156

H. 200

H. 183

H. 85

H. 90

H. 21

H. 33

H. 155

H. 43

H. 126

H. 57

H. J. R. 168

H. 72

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Harper and pursuant to the resolution, S. J. R. 60 heretofore adopted, the House adjourned until 2:00 o'clock p.m., Tuesday, September 20, 1988.

ELEVENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, September 20, 1988

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rep. Harrell Blakeney.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Rep. Yvonne Kennedy.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the tenth legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the tenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the tenth legislative day was approved.

BILLS ON SECOND READING

Rep. Higginbotham, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 161. To require county governing bodies to establish precincts, wards and voting districts based on clearly visible, definable and observable physical boundaries based on U. S. Census Bureau criteria not later than March 15, 1989; to provide for participation by Alabama in programs of the Census Bureau for census data for purposes of reapportionment; to define terms; to require the counties to provide and maintain maps of said precincts, wards and voting districts to the probate judge, board of registrars and the secretary of state; to provide for the maximum number of voters in voting districts; to provide for the designation of places of voting; to require the certification of lists of eligible voters by the probate judge; to provide for boxes and machines for elections; to provide for the posting of boundaries of precincts, wards or voting places and for the changing of precinct, ward and voting district boundaries and changes in places of voting; to provide for the enforcement of this act; to provide that the Reapportionment Task Force shall be the official state liaison between the state, the counties and the U. S. Census Bureau for purposes of implementing the provisions of this act; to require cooperation by all county, municipal and state agencies and officials with the Reapportionment Task Force; and to specifically supersede and repeal Sections 17-5-1 through 17-5-13, Code of Alabama 1975, effective March 15, 1989.

S. 126. To amend Section 22-27-5, Code of Alabama 1975, as amended, relating to solid waste disposal fees, permits and bonds, so as to prescribe certain minimum surety bond requirements for out-of-state shippers of household garbage, in order to protect the health, safety and welfare of the citizens of this state.

S. 103. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1987 Regular Session of the Legislature, as contained in the 1987 Cumulative Supplement to certain volumes of the Code and in the 1987 Replacement Volumes 7, 7A and 13 of the Code; to make corrections in certain volumes of such cumulative supplement and replacement volume 13; and to reorganize Article 5, Chapter 12, Title 13A, and Chapter 2, Title 20, as appearing in Volumes 12 and 14, respectively, of such cumulative supplement, so as to place the principal drug crime statutes in Title 13A, the Alabama Criminal Code.

S. 189. To further amend Section 40-3-7, Code of Alabama 1975, as amended, relating to term of service of schedule and compensation for members of the several county boards of equalization, so as to further provide for certain of those members whose counties have had an increase in population and total taxable property, 196,966 inhabitants and in excess of \$862,000,000 respectively, based on the latest available official figures; and to provide for the effective date.

S. 99. To provide for the establishment of a fund from which survivor allowances for spouses of deceased district or supernumerary district attorneys shall be paid; to provide requirements for eligibility for receipt of such benefits; to provide funding for the proper operations and maintenance of such fund; and to provide for the management of such fund.

S. 196. To amend section 29-2-41, Code of Alabama 1975, which relates to the Contract Review Permanent Legislative Oversight Committee, so as to provide further for the committee's authority to review state contracts.

S. 8. To amend section 13A-6-4, Code of Alabama 1975, to provide that criminally negligent homicide is a Class C felony.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 210. To amend Sections 36-27A-1 and 36-27A-5, Code of Alabama 1975, so as to allow public officials or employees of the State of Alabama, or any political subdivision thereof, to participate in the Public Employees' Individual Retirement Account Fund and to provide for additional nondeductible contributions.

S. 193. To amend the Alabama Trademark Act to include the registrability of business trade names thereby creating an "Alabama Trademark and Trade Name Act" by amending sections 8-12-6, 8-12-7, 8-12-8, 8-12-9, 8-12-14, 8-12-16, and 8-12-17 of the Code of Alabama 1975; to provide for transition of existing trademarks; and to provide for an effective date of January 1, 1989.

Rep. Richardson, Chairman of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 29. To amend Section 9-11-257, Code of Alabama 1975, as last amended, relating to hunting within 100 yards of roads, highways, or railroads without permission from an adjacent landowner, so as to provide that no person, except a duly authorized law enforcement officer acting in the line of duty or person otherwise authorized by law, shall hunt or discharge any firearm from, upon, or across any public road, public highway or railroad, or their rights-of-way, logging railroads excepted; and to provide penalties for the violation thereof.

Rep. Marietta, Chairman of the Standing Committee on Oil and Gas, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 44. To require pipeline facilities transporting hazardous liquids and/or liquified natural gas (LNG) and facilities used in the liquification of

natural gas to comply with certain standards of safety; granting certain additional rights, powers and authority to the Alabama Public Service Commission to carry out the purposes of this Act; prescribing jurisdictions of courts for injunction proceedings; and prescribing monetary sanctions for violations of certain standards of safety.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 215. Relating to Lamar County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and providing for the distribution of the proceeds therefrom.

S. 216. Relating to Lamar County; levying a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975, and a special county excise tax paralleling the state use taxes levied on the storage or use of certain automotive vehicles provided for by section 40-23-102, Code of Alabama 1975; specifying the rates at which such taxes shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said taxes; and providing for enforcement of this act.

Rep. White (G), Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 54. (With Substitute): To authorize the Jefferson County Board of Health to designate services rendered by the health department under its control for which fees may be charged and to establish the appropriate fee for each service; to authorize the Jefferson County Board of Health to charge and collect fees for services designated pursuant to this act; to provide that all fees established and collected pursuant to this act shall be retained and used by the Jefferson County Board of Health; to provide that all fees established and collected pursuant to this act shall not replace, but shall supplement and be in addition to, any and all federal, state and local funds otherwise provided to the Jefferson County Board of Health; to provide conditions applicable to the establishment and modification of fees authorized pursuant to this act; to authorize the Jefferson County Board of Health to adopt and to alter rules and regulations for the implementation and administration of this act and to provide that fees charged pursuant to this act shall be established, modified and collected in accordance with such rules and regulations; to provide that fees for services shall not be charged to persons unable to pay and to provide for confidentiality in the determination of any person's ability to pay; and to repeal all laws or parts of laws in conflict with this act to the extent applicable to Jefferson County.

Rep. White (G), Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 59. Relating to Jefferson County; to continue the office of Assistant Sheriff, Bessemer Division; to prescribe the duties, responsibilities and term;

to provide for the appointment, qualifications and compensation of said office; to repeal all conflicting statutes; to provide for severability of the provisions of this act and to prescribe the effective date of such act.

S. 61. Relating to Jefferson County; to prescribe for the compensation of the Chief Deputy Sheriff of Jefferson County and to provide for the payment thereof.

S. 90. Relating to the composition of the board of directors of that certain public corporation, the Alabama State Fair Authority, created by Act No. 215, 1947 General Acts of Alabama; amending Section 4 of Act No. 215, S. 278, Regular Session 1947 (General Acts of Alabama of 1947, p. 81), as amended, which relates to the composition of the board of such authorities in certain cities having a certain population in Jefferson County, so as to increase the number and providing the manner of their selection.

S. 127. Relating to Jefferson County; to provide for the appointment of a Chief Deputy Tax Collector by the elected Jefferson County Assistant Tax Collector, Bessemer Division, and to provide for compensation, funding and qualifications of said Chief Deputy.

S. 128. To provide for the appointment of a chief deputy tax collector by the elected Jefferson County tax collector and to provide for compensation, funding and qualifications of said chief deputy.

S. 137. To amend Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, approved September 18, 1973, as amended, to provide for the participation of the unclassified employees of the City of Birmingham in the retirement and relief system of the City of Birmingham and to provide for related matters.

S. 138. To amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended, which created a retirement system for officers and employees in cities of two hundred thousand or more inhabitants according to the latest federal decennial census, so as to provide further for the payments of benefits during periods of re-employment.

S. 139. To amend Act No. 453 of the 1967 Regular Session of the Legislature of Alabama, (1967 Acts of Alabama, page 1129), as amended by Act No. 393 of the 1975 Regular Session of the Legislature of Alabama, said acts providing a pension and relief fund for officers and employees of the library board of any city having a population of three hundred thousand or more according to the last and any subsequent federal census, said act applicable to the officers and employees of the Birmingham Public Library System, to provide for the participation of the employees of the library board who are currently entitled to participate in the unclassified pension relief plan of the City of Birmingham to participate in the Birmingham Library Board Employees Pension and Relief Fund and to provide for related matters.

S. 140. To amend section 11-52-32 of the Code of Alabama 1975 relating to planning, zoning and subdivisions, so as to provide further for the planning commissions of Class 1 municipalities to elect no less than three and no more than five of the members thereof to serve as a committee to approve or disapprove any plat presented to such commission.

S. 141. To further amend Section 6 of Act No. 529 of the Legislature of Alabama of 1923, as codified in Title 62, Section 725, Code of Alabama

1940 (Recomp. 1958) and as amended by Act No. 87-788 to provide an expense allowance for members of the Park and Recreation Board of the City of Birmingham.

Rep. Rains, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 202. Relating to Franklin County; amending Act No. 88-562, S. 667, 1988 Regular Session (Acts 1988, p. 881), levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, so as to provide further for the collection and enforcement of the tax; and for the distribution of the proceeds therefrom.

S. 211. To supplement the salaries of the circuit judges of the Sixth Judicial Circuit.

S. 214. Relating to Winston County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; providing for the distribution of the proceeds therefrom; and providing for a referendum.

S. 217. To amend Section 9 of Act No. 88-562, S. 667 of the 1988 Regular Session of the Legislature, which act levies certain taxes on tobacco and tobacco products in Franklin County, so as to exempt Act No. 708 of the 1965 Regular Session of the Legislature approved on September 1, 1965, from the repealer provisions of said Section 9.

S. 219. To amend Section 9 of Act No. 88-562, S. 667 of the 1988 Regular Session of the Legislature, which act levies certain taxes on tobacco and tobacco products in Franklin County, so as to exempt Act No. 708 of the 1965 Regular Session of the Legislature approved on September 1, 1965, from the repealer provisions of said Section 9.

S. 220. Relating to Marion County; amending Act No. 88-619, H. 1030, 1988 Regular Session (Acts 1988, p. 961), levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, so as to provide further for the collection and enforcement of the tax; and for the distribution of the proceeds therefrom.

S. 221. Relating to the City of Bear Creek in Marion County; to alter the corporate boundaries so as to include additional lands within the corporate limits; and to provide for a referendum thereon.

S. 222. Relating to Franklin County; authorizing and providing for the incorporation of the Franklin County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities

and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities; the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. McDowell, the rules were suspended in order to permit Standing Committees to meet later in the day.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Ford, the rules were suspended in order to permit introductions of resolutions later in the day.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Ford:

H. R. 174. COMMENDING THE PUBLIC SERVICE COMMISSION FOR ITS PRACTICES OF EQUAL EMPLOYMENT OPPORTUNITY, REGARDLESS OF RACE, CREED, SEX, COLOR OR NATIONAL ORIGIN.

Also:

The following resolution was introduced:

By Reps. Penry and McMillan:

H. J. R. 175. COMMENDING MARGUERITE SURRY FOR OUTSTANDING SERVICE TO THE FOLEY PUBLIC LIBRARY AND TO THE COMMUNITY.

WHEREAS, the Alabama Legislature joins the Foley community in saluting Marguerite Surry for outstanding service to the Foley Public Library and for her friendship to the people in the Foley area for many years; and

WHEREAS, September 22, 1988, has been proclaimed "Marguerite Surry Day" in the City of Foley and is a heartfelt tribute to Mrs. Surry for such significant accomplishments as an increase in library circulation from 65,000 in 1985 to 83,000 in 1987, a growth of more than 27% in just two short years within a population area of 4,700 residents; and

WHEREAS, Mrs. Surry, during her dedicated tenure, also has evidenced such commendable attributes as patience, kindness, dependability and efficiency in the performance of her duties; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Marguerite Surry of Foley, Alabama, for outstanding service and accomplishment on behalf of the Foley Public Library and her fellow citizens, and do further direct that she be presented with a copy of this resolution on "Marguerite Surry Day" in Foley, Alabama, September 22, 1988.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 175, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Penry and McMillan:

H. R. 176. COMMENDING MARGUERITE SURRY FOR OUTSTANDING SERVICE TO THE FOLEY PUBLIC LIBRARY AND TO THE COMMUNITY.

Also:

The following resolution was introduced:

By Reps. Williams, Holley, Beasley, Carothers and Mathis:

H. J. R. 177. MOURNING THE DEATH OF ROBERT M. PAUL OF ENTERPRISE, ALABAMA.

WHEREAS, with a deep sense of sadness and regret, the Alabama Legislature records the death of Robert M. Paul of Enterprise, Alabama, on May 24, 1988, at the age of 67 years; and

WHEREAS, Mr. Paul held an undergraduate degree from Troy State University and a graduate degree from the University of Alabama; and

WHEREAS, Mr. Paul dedicated his life to educating and equipping the citizens of Southeast Alabama with the knowledge and skills necessary to compete and become successful in life; and

WHEREAS, Mr. Paul joined the Troy State University System in 1961 and served the system with distinction as both an instructor and an administrator; and

WHEREAS, Mr. Paul was named the first president of the separately accredited Troy State University at Dothan campus; and

WHEREAS, Mr. Paul indeed experienced a long and distinguished career in public education in the State of Alabama; and

WHEREAS, in the death of Robert M. Paul, Southeast Alabama has suffered the loss of a great leader and educator and a fine gentleman and friend; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Robert M. Paul of Enterprise, Alabama, and extend our deepest sympathy to his wife, Mrs. Bobbie Paul; to his children, Betsy, Robert Jr., Joseph, and Lee; to other family members; and to Troy State University at Dothan, whose sorrow we sincerely share and for whom a copy of this resolution shall be provided.

On motion of Rep. Williams, the rules were suspended and the resolution, H. J. R. 177, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Perdue:

H. R. 178. COMMENDING MR. MERCER A. GIVHAN.

Also:

By Rep. Perdue:

H. R. 179. COMMENDING DR. JOHN CALDWELL, JR., OF BIRMINGHAM, ALABAMA.

Also:

By Rep. Rogers:

H. R. 180. RECOGNIZING, WITH COMMENDATION, THE CENTENNIAL CELEBRATION OF PAYNE CHAPEL AFRICAN METHODIST EPISCOPAL CHURCH OF BIRMINGHAM, ALABAMA.

Also:

By Rep. Melton:

H. R. 181. COMMENDING ELIZABETH MISSIONARY BAPTIST CHURCH ON THE OCCASION OF ITS 100TH ANNIVERSARY.

Also:

The following resolution was introduced:

By Reps. White (F), Johnson (RW) and Bugg:

H. J. R. 182. REPEALING ACT NO. 145, HJR 105, 1975 REGULAR SESSION, WHICH PETITIONED THE CONGRESS OF THE UNITED

STATES TO CONVENE A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION WHICH WOULD PROHIBIT DEFICIT SPENDING BY THE U. S. GOVERNMENT, EXCEPT IN TIMES OF NATIONAL EMERGENCY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 145, HJR 105, 1975 Regular Session, is hereby repealed.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent forthwith to each member of the Alabama delegation in the United States Congress and the Clerk of the United States House of Representatives and the Secretary of the United States Senate.

On motion of Rep. White (F), the rules were suspended and the resolution, H. J. R. 182, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 100. To amend Sections 40-6-1, 40-6-3 and 40-6-4, Code of Alabama 1975, relating to the compensation and benefits paid to supernumerary tax assessors, tax collectors, revenue commissioners, license commissioners or other elected officials charged with the assessment and/or collection of ad valorem taxes, so as to cover appointed ad valorem tax officials and provide for a surviving spouse benefit.

Also:

S. 171. To amend Section 26-16-5, Code of Alabama 1975, relating to meetings of the Child Abuse and Neglect Prevention Board, so as to delete two mandated meeting dates of such Board.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 6.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 7.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 12.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 15.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 16.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 22.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 35.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 47.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 75.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 77.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 88.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 96.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 137.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 139.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 148.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 152.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 165.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 177.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 186.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 190.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 191.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 196.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 197.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 201.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 203.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 240.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 229.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 273.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 194.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 195.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 192.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 279.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 291.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 297.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 301.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 310.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 319.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made in accordance with House Rule 8 that House Rule 6(2) be rescinded and not apply to HB 342.

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day that a motion in accordance with House Rule 8 will be made that House Rule 6(2) of the Rules of the House shall not apply to any House Bill that receives its second reading in the Senate of Alabama on the 11th legislative day of the First Special Session of 1988. This motion shall in no way be interpreted to cover aforementioned House Bills in mass, but the maker of the motion shall ask the House of Representatives to consider each of said bills individually by majority vote.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Junkins:

H. R. 183. MOURNING THE DEATH OF WOODARD GENE HOLLAND OF GADSDEN, ALABAMA.

Also:

The following resolution was introduced:

By Rep. Holmes:

H. J. R. 184. CALLING UPON THE GOVERNOR AND THE STATE ADJUTANT GENERAL TO SUPPORT CERTAIN LEGISLATION RELATING TO ELIGIBILITY OF RECIPIENTS OF NATIONAL GUARD MOTOR VEHICLE LICENSE PLATES OR TAGS.

WHEREAS, it is the duty of every able-bodied American to serve his country in time of war or conflict; and

WHEREAS, the threat of communism and its insidious pervasion of the free world is as much a threat to our freedoms as a direct attack upon our shores; and

WHEREAS, the involvement of the United States in the Vietnam conflict was a moral obligation to help stem the tide of communism and to assist the South Vietnamese in resisting communistic domination by North Vietnam aggressors; and

WHEREAS, regrettably, many young Americans, during these trying times, elected the comparative safety of the National Guard over active military service, thereby greatly reducing the possibility that they would be called upon to serve in actual combat; and

WHEREAS, Act 308 of the 1955 Session of the Legislature provides for the issuance, at no cost, of distinctive motor vehicle license plates or tags for members of the National Guard of Alabama, a recognition by this state of demonstrated patriotic service rendered by our Alabama guardsmen; and

WHEREAS, it is the consensus of this body, however, that those persons of draft eligibility who joined the National Guard during the years of the Vietnam conflict for the purpose of avoiding combat are undeserving of the aforementioned distinctive tags which are intended to recognize uncompromising patriotism on the part of recipients; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the Governor of the State of Alabama and the Adjutant General of the Alabama National Guard to support legislation that would prohibit the issuance of free National Guard license plates to any guardsman who was eligible for the draft during the years of the Vietnam conflict, but who instead joined the National Guard or Air National Guard of Alabama in lieu of active military duty.

BE IT FURTHER RESOLVED, That we charge the State Adjutant General with the responsibility of determining those members of the National Guard who, by the hereinabove stated criterion, would be ineligible for the distinctive motor vehicle license plates provided by Act 308 of the 1955 Session of the Alabama Legislature.

RESOLVED FURTHER, That copies of this resolution be forwarded forthwith to the Governor and to the Adjutant General of the State of Alabama.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Holmes to suspend the rules and adopt the resolution, H. J. R. 184, was lost.

Yeas 1; Nays 56.

Yea: Rep. Holmes.

—1

Nays:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Breedlove, Britnell, Brooks, Burke, Butler, Carothers, Crow, Curry, Dillard, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Haynes,

Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RW), Knight, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Penry, Petelos, Richardson, Starkey, Turnham, Walker, White (G), White (L), Willis and Wright.

—56

The resolution, H. J. R. 184, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Walker:

H. R. 185. COMMENDING OUR COLLEAGUE TAYLOR HARPER OF GRAND BAY FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

Also:

The following resolution was introduced:

By Rep. Rogers:

H. J. R. 186. ESTABLISHING THE CONTINUING YOUTH GANG VIOLENCE COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Continuing Youth Gang Violence Commission for the purpose of addressing the existing problems and potential problems of youth gangs in and around the state. The commission shall be composed of eight citizens appointed by the Attorney General of the State of Alabama. Membership shall include representatives of agencies or organizations which provide services to the youth. The chairman of the commission shall be a member of the House of Representatives of the State of Alabama.

BE IT FURTHER RESOLVED, That the duty and function of the commission shall include, but not be limited, to reviewing state and federal laws relating to youth gang violence; proposing state legislation regarding gang violence issues for consideration by the Governor and the Legislature; proposing and implementing educational and prevention programs on gang violence; and supervising all state level initiatives and efforts to eliminate and further prevent youth gang violence.

RESOLVED FURTHER, That the commission shall meet at such time and places as designated by the chairman, who shall be responsible for its administrative and operational functioning and who is empowered to take all actions necessary to keep it functioning efficiently and effectively and shall have, in this regard, all rights and privileges accorded commissions under Alabama regulations and laws. All major programs and initiatives of the commission must be approved by a majority of the membership in actual attendance at the meeting in which such programs and initiatives are decided.

BE IT FURTHER RESOLVED, That the commission shall submit a report of its findings and recommendations by the fifteenth legislative day of each Regular Session until the commission shall stand discharged of any further duties and responsibilities and shall be dissolved. The legislative

members of the commission shall be entitled to their regular legislative compensation, per diem and travel expenses within and without the state for each day they attend a meeting of the commission. Such expenses shall be paid out of any funds appropriated to the use of the Legislature upon warrants drawn on the state comptroller upon requisitions signed by the commission's chairman; provided, however, legislative members shall not receive additional legislative compensation or per diem when the Legislature is in session but all members shall receive their travel expenses for all meetings attended and any travel upon the business of the commission within and without the state. The total expenses of the commission shall not exceed \$10,000.00 per annum.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Rogers to suspend the rules and adopt the resolution, H. J. R. 186, was lost.

Yeas 14; Nays 26.

Yeas:

Reps. Black, Bowling, Bryant, Burke, Buskey (JL), Clark (W), Coburn, Fuller, Junkins, Kennedy, Moon, Newton, Perdue and Spratt.

—14

Nays:

Reps. Adams, Crow, Dillard, Flowers, Gaston, Gray, Grouby, Hamilton, Hammett, Harvey, Higginbotham, Hooper, Kvalheim, Laird, Marks, McKee, McMillan, Mikell, Parker, Petelos, Richardson, Turnham, Venable, Walker, Willis and Wright.

—26

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H. J. R. 186, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Knight:

H. J. R. 187. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON THE FUTURE OF EDUCATION IN ALABAMA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study the future of education in Alabama. The committee shall be composed of the members of the standing committee on education in the House of Representatives and the members of the standing committee on education in the Senate. The chairman and vice chairman of the committee shall be the chairman of said standing committees. The committee shall study all facets of the methods to encourage increased

local funding, methods to encourage increased parental involvement and how education can best contribute toward economic development of the state.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the 5th legislative day of the 1989 Regular Session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$3,000.00.

The Committee shall terminate on the fifth day of the Regular Session of the legislature in 1989.

On motion of Rep. Knight, the rules were suspended and the resolution, H. J. R. 187, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 177. Relating to Jefferson County, providing for a subsistence allowance for certain law enforcement officers.

Also:

H. 196. To amend section 11-52-32 of the Code of Alabama 1975 relating to planning, zoning and subdivisions, so as to provide further for the planning commissions of Class 1 municipalities to elect no less than three and no more than five of the members thereof to serve as a committee to approve or disapprove any plat presented to such commission.

Also:

H. 197. To amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended, which created a retirement system for officers and employees in cities of two hundred thousand or more inhabitants according to the latest federal decennial census, so as to provide further for the payments of benefits during periods of re-employment.

Also:

H. 229. Relating to Jefferson County; to amend Article VI of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), relating to the extraordinary disability benefits of the City of Birmingham Retirement and Relief System, so as to provide that extraordinary disability benefits shall not be paid to any participant who joins the system on or after January 1, 1989, during any period that a disabled participant is able to perform other

duties in his job classification or the customary duties of another job with that participant's employer, which duties or job has been offered to participant and which job pays a salary or wage equal to or greater than the salary or wage such participant was earning at the time of the incident causing the disability, and to provide that, for injuries occurring after January 1, 1989, the Board of Managers may waive the one-year limitation and grant an application for extraordinary disability allowance if granted within thirty-six months after the incident resulting in such disability.

Also:

H. 297. To propose an amendment to the Constitution of Alabama of 1901, to empower the legislature from time to time by local act to authorize or require the Jefferson County Commission to prohibit the overgrowth of weeds and the storage and accumulation of certain junk, motor vehicles and litter and to provide for the implementation, administration and enforcement of said prohibition and the assessment of certain criminal penalties; and to also provide for the validation of certain acts.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 75. To alter, extend, rearrange and redefine the boundaries and corporate limits of the City of Huntsville in Madison County, annexing certain territory to the city.

Also:

H. 190. Relating to Jefferson County; to continue the office of Assistant Sheriff, Bessemer Division; to prescribe the duties, responsibilities and term; to provide for the appointment, qualifications and compensation of said office; to repeal all conflicting statutes; to provide for severability of the provisions of this act and to prescribe the effective date of such act.

Also:

H. 191. To provide for the appointment of a Chief Deputy Tax Collector by the Elected Jefferson County Tax Collector and to provide for compensation, funding and qualifications of said Chief Deputy.

Also:

H. 192. To provide for the appointment of a Chief Deputy Tax Collector by the elected Jefferson County Assistant Tax Collector, Bessemer Division, and to provide for compensation, funding and qualifications of said Chief Deputy.

Also:

H. 195. To amend Act No. 453 of the 1967 Regular Session of the Legislature of Alabama, (1967 Acts of Alabama, page 1129), as amended by Act No. 393 of the 1975 Regular Session of the Legislature of Alabama, said acts providing a pension and relief fund for officers and employees of the library board of any city having a population of three hundred thousand or

more according to the last and any subsequent federal census, said act applicable to the officers and employees of the Birmingham Public Library System, to provide for the participation of the employees of the library board who are currently entitled to participate in the unclassified pension relief plan of the City of Birmingham to participate in the Birmingham Library Board Employees Pension and Relief Fund and to provide for related matters.

Also:

H. 291. Relating to Mobile County; providing for the compensation and payment of an additional salary for members of the county governing body, and to preserve certain Mobile County acts regarding salary and expense allowances for said members.

Also:

H. 301. Relating to counties having a population excess of 500,000 according to the most recent federal decennial census; to amend Section 1 of Act No. 81-752, H. 33, 1981 Regular Session, which relates to the compensation of certain election officials so as to increase their compensation.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Black:

H. R. 188. COMMENDING GEORGE MASON III OF EMELLE, ALABAMA, ON HIS DISTINGUISHED CAREER WITH THE UNITED STATES POSTAL SERVICE.

Also:

By Rep. Black:

H. R. 189. COMMENDING MAMIE J. MARBLEY OF YORK, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND COMMUNITY SERVICE.

Also:

By Rep. McKee:

H. R. 190. CONGRATULATING MR. AND MRS. EDWARD EUGENE FRITH, SR. ON THEIR 65th WEDDING ANNIVERSARY.

Also:

By Rep. Escott:

H. R. 191. COMMENDING THE SANCTUARY CHOIR OF THE FIRST BAPTIST CHURCH OF PRATT CITY FOR MORE THAN 100 YEARS OF SERVICE TO THE BIRMINGHAM COMMUNITY.

Also:

By Rep. Escott:

H. R. 192. COMMENDING THE REVEREND O. C. ODEN, JR., FOR RELIGIOUS CONTRIBUTIONS OF NOTE TO BIRMINGHAM AND

VICINITY AND FOR OUTSTANDING LEADERSHIP OF THE ANTI-
OCH BAPTIST CHURCH OF FAIRFIELD.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 333. To propose an amendment to the Constitution of Alabama of 1901, as amended, so that notwithstanding existing provisions thereof the governing body of the City of Huntsville in Madison County shall have the authority to make a one-time appropriation of money, up to a maximum total appropriation of \$2,000,000.00, to one or more bona fide nonprofit organizations, which at the time of such appropriation has been organized for the purpose of fostering and coordinating volunteer activity in the field of the literary, visual, or performing arts, which said appropriation is to be used exclusively for construction of one or more buildings located within said city and owned by such organization; to provide that the City of Huntsville shall also have the authority to provide up to \$100,000.00 annually for certain operational expenses and maintenance of buildings; to provide that the provisions of such amendment, if adopted, shall be self-executing; and to provide for referendum.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Hettinger, the House concurred in and adopted the Senate amendment to the bill, H. 333, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to the Constitution of Alabama of 1901, as amended, so that notwithstanding existing provisions thereof the governing body of the City of Huntsville in Madison County shall have the authority to make a one-time appropriation of money, up to a maximum total appropriation of \$2,000,000.00, to one or more bona fide nonprofit organizations, which at the time of such appropriation has been organized for the purpose of fostering and coordinating volunteer activity in the field of the literary, visual, or performing arts, which said appropriation is to be used exclusively for construction of one or more buildings located within said city and owned by such organization; to provide that the City of Huntsville shall also have the authority to provide up to \$100,000.00 annually for certain operational expenses and maintenance of buildings; to provide that the provisions of such amendment, if adopted, shall be self-executing; and to provide for referendum.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in

accordance with Sections 284, 285 and 287 of the Constitution of 1901 as amended:

PROPOSED AMENDMENT

Notwithstanding the provisions of the Constitution of Alabama of 1901, as amended, the governing body of the City of Huntsville in Madison County is hereby authorized to make a one-time appropriation of money, up to a maximum total appropriation of \$2,000,000.00, to one or more bona fide nonprofit organizations, each of which at the time of any such appropriation must have been organized for the purpose of and actively engaged in fostering and coordinating volunteer citizen activity in the field of the literary, visual, and performing arts within the City of Huntsville for a period of more than five years, which said appropriation or appropriations are to be used exclusively for construction of one or more buildings located within said city, to be owned by such organization. The total maximum appropriation herein authorized may, however, at the discretion of the governing body, be made to only one such organization, provided, however, that any such appropriation may be made only upon proof that an amount equal to one dollar for each one dollar appropriated has first been raised from nonpublic funds and placed on deposit with a bank or trust company under an agreement restricting the use of said funds to expenditures for the construction of one or more buildings to be occupied exclusively by one or more organizations engaged in fostering and coordinating volunteer citizen activity in the field of the literary, visual, and performing arts within the City of Huntsville. The City of Huntsville is further authorized to appropriate up to \$100,000.00 annually for the general operations of any such organization, or for maintenance of any building which is occupied by any such organization.

No payment may be made by the City of Huntsville under the authority of this amendment except upon the affirmative vote of the qualified electors of the City of Huntsville, in the election called for the ratification of this amendment, or at a subsequent election called for such purpose as hereinafter provided. Provided, however, that if this amendment is ratified, and a majority of the electors of the City of Huntsville do not vote in favor of such amendment, subsequent elections for the purpose of authorizing the governing body to make such appropriations to qualified organizations may be called by the governing body in the same manner and at the same time as any other general or special municipal election, but not more than one such election shall be held during any period of 12 consecutive months.

The provisions of this constitutional amendment shall be self-executing, but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the general purpose and objectives herein set forth.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, primary or constitutional amendment election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In

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every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Box, Breedlove, Burke, Buskey (JL), Butler, Clark (W), Dillard, Flowers, Freeman, Fuller, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Hettinger, Higginbotham, Holmes, Hooper, Junkins, Kennedy, Layson, Marietta, Marks, McMillan, Melton, Moon, Newman, Parker, Penry, Richardson, Starkey, Turnham, Venable, Warren, White (F), White (G), White (L) and Williams.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has reconsidered the Bill:

H. 178. Relating to Etowah County; to authorize the probate judge to set the fee for supplying a copy of an instrument; to place the proceeds from the fees in a special fund and provide for its use.

And said Bill, H. B. 178, was again read at length and passed the Governor's objections to the contrary notwithstanding, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 21, Nays 0.

And said Bill, H. B. 178, together with the Governor's Message, is herewith returned to the House.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 311. Relating to Bibb County, to authorize the county commission to levy an additional one cent (\$.01) sales and use tax in the county in areas located outside the municipal limits of Centreville, Brent and West Blocton; to provide for collection of said tax by the state revenue department; and to distribute the net proceeds of said tax to the county general fund.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Headley, the House concurred in and adopted the Senate amendment to the bill, H. 311, said Senate amendment being as follows:

Delete entirely the existing Section 2, page 1, lines 27 through 31, and in lieu thereof insert the following new Section 2:

Section 2. There are exempted and excluded from the provisions of this act the same exemptions and exclusions applicable to the state sales and use taxes.

Also in the title, page 1, line 14, and in Section 1, page 1, line 24, delete the word "municipal" and in lieu thereof in each place the word:

corporate

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Box, Breedlove, Brooks, Buskey (JL), Cosby, Curry, Dillard, Frazier, Freeman, Grayson, Hall, Harper, Headley, Hettinger, Higginbotham, Hogan, Junkins, Kennedy, Knight, Layson, Logan, Marks, McMillan, Melton, Moon, Newman, Parker, Payne, Penry, Petelos, Rains, Turnham, Venable, Walker, White (F), White (G), Williams and Wright.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 308. Relating to Perry County; authorizing the county commission to levy a one percent (1%) sales tax, a three cent (\$0.03) tobacco tax, and a two cent (\$0.02) gasoline tax, providing for the distribution of said taxes and for penalties in violation of this act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Bryant, the House concurred in and adopted the Senate amendment to the bill, H. 308, said Senate amendment being as follows:

Amend H. B. 308, Page 1, line 13 by inserting, immediately following the word "sales", the words and use

further amend H. B. 308, Page 3 by deleting all existing language under "Section 3", and insert in lieu thereof, the following:

In order to provide funds for the benefit of Perry County, the Perry County Commission is hereby authorized to levy a Perry County sales and use tax which parallels the state sales and use tax laws at a rate not to exceed one percent.

There are exempted and excluded from this act the same exemptions and exclusions applicable to the state sales and use taxes.

further amend H. B. 308, Page 1, line 26 immediately following the word "meaning", by inserting the following new language:

Furthermore, all words, terms, and phrases as defined in sections 40-23-60, 40-23-61, 40-23-62, and 40-23-63 of the Code of Alabama 1975, as amended, providing for the levy of a state use tax shall, wherever used in this act, have the same meanings respectively ascribed by them in said sections except where the context herein clearly indicates a different meaning.

further amend H. B. 308, Page 6, line 5 by substituting the words "and use taxes", in place of "~~tax~~"

further amend Page 6, line 13, by adding, immediately following the word "sales", the new words and use

further amend Page 6, line 28 by inserting, immediately following the word "sales", the new words and use

further amend Page 6, line 34 by substituting the words "and use taxes" in place of the word ~~tax~~

further amend Page 7, lines 4, 6, and 7 by deleting the word ~~sales~~

further amend Page 6, line 15 by substituting the words "sales and use taxes" for the word "~~tax~~"

further amend Page 6, line 18 by substituting the words "and use taxes" in place of "~~tax~~"

further amend Page 6, line 19, by adding, immediately following the word "sales", the new words and use

further amend H. B. 308, Page 13, Section 19, line 9 by inserting, immediately following the word "therefor" and immediately preceding the period, the following:

except little cigars, such as Winchester cigars or cigarettos, which are similar to and which are packaged in the same manner as cigarettes, shall be taxed as cigarettes under Section 19, Subsection (1)

further amend H. B. 308, Page 15, Section 21, line 9 by inserting, immediately thereafter, the following new paragraph:

However, in the event the required stamps are not available for affixing to tobacco products packages and containers or, by the authority of a duly promulgated regulation eliminating the requirement of affixing stamps and replacing such requirement, a monthly reporting system approved by the department of revenue shall be accepted as evidence of payment of such taxes.

further amend H. B. 308, Page 15, Section 21, line 3 by inserting, between the words "revenue" and "shall", the following new language:

, if requested by resolution of the Perry County Commission to collect all county privilege licenses or taxes specified in Section 19, for as long as the department is requested to collect said levies.

further amend H. B. 308, Page 15, Section 22, line 10 by inserting, between the words "revenue" and "is", the following new language:

, if requested by resolution of the Perry County Commission to collect all county privilege licenses or taxes specified in Section 19, for as long as the department is requested to collect said levies,

further amend H. B. 308, Page 14, line 34 by inserting, at the beginning of Section 21 preceding the word "The", the following new language:

It shall be the duty of the county commission of Perry County to enforce the provisions of this act upon its imposing the tax thereunder, and it shall have the right itself, or its members or its agents, to examine the books, reports and accounts of every dealer, storer or distributor engaged in the business for which the tax is hereby levied and to make any and all rules and regulations necessary and proper for the collection of such tax. Provided, however, upon resolution of the Perry County Commission, the state department of revenue is hereby authorized and directed to collect all taxes now or hereafter levied by said county under the provisions of this act.

further amend H. B. 308, Page 14, Section 21, line 34 by inserting, between the words "paid" and "by", the following:

on a monthly basis

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Black, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JL), Butler, Carothers, Carter, Curry, Dillard, Faulk, Gaston, Grayson, Harper, Harvey, Headley, Johnson (RG), Junkins, Kennedy, Knight, Layson, Logan, Marietta, Marks, Melton, Moon, Parker, Payne, Poole, Turnham, Venable, Walker, White (G) and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 36. To make an appropriation from the State General Fund and the Alabama Special Educational Trust Fund for the fiscal year 1988-89 for the use of a sickle cell education program.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Harper, the House concurred in and adopted the Senate amendment to the bill, H. 36, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation from the State General Fund and the Alabama Special Educational Trust Fund for the fiscal year 1988-89 for the use of a sickle cell education program.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year 1988-89 there is hereby appropriated from the State General Fund the sum of four hundred ~~eleven thousand five hundred sixty one dollars (\$411,561)~~ for the fifty thousand dollars (\$450,000) for the use of a sickle cell education program, as follows:

1. Jefferson County Sickle Cell/Detection Committee, Inc. ... \$131,661
2. Sickle Cell Disease Association of Gulf Coast, Alabama ... \$104,055
3. Sickle Cell Foundation of Greater Montgomery, Inc. \$44,752
4. Southeast Alabama Sickle Cell Association \$96,093
5. West Alabama Sickle Cell \$35,000
6. The Children's Hospital \$38,439

Section 2. For the fiscal year 1988-89 there is hereby appropriated from the Alabama Special Educational Trust Fund the ~~sum of two hundred two thousand fifteen dollars (\$202,015)~~ for the sum of two hundred forty-two thousand fifteen dollars (\$242,015) for the use of a sickle cell education program, as follows:

1. Jefferson County Sickle Cell® Detection Committee, Inc. ... \$75,892
2. Sickle Cell Disease Association of Gulf Coast, Alabama \$45,091
3. Sickle Cell Foundation of Greater Montgomery, Inc. \$19,392
4. Southeast Alabama Sickle Cell Association \$41,640
5. Northeast Alabama Sickle Cell Education Program \$10,000
6. Tri-County Southwest Sickle Cell \$10,000
\$50,000

Section 3. Prior to release of any funds appropriated under this bill for fiscal year 1988-89, an operations plan for fiscal year 1987-88 and an audited financial statement for all operations during fiscal year 1986-87 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1988-89 funds following receipt of these reports.

Section 4. This act shall become effective on October 1, 1988.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JL), Butler, Carter, Cosby, Crow, Curry, Dillard, Faulk, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Laird, Layson, Logan, Marietta, Marks, Mathis, Melton, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Rogers, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 34. To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Harper, the House non-concurred in the Senate amendment to the bill, H. 34, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1989, the sum of one million eight hundred sixty-nine thousand five hundred nineteen dollars (\$1,869,519) out of the funds in the Alabama Special Educational Trust Fund to be used for the support and maintenance of the Special Schools for Special Education and to be distributed by the State Board of Education as follows:

- | | |
|--|--------|
| (a) Butler County Training School for the Mentally Retarded
in Greenville | 25,875 |
| (b) Hope Haven School in Colbert County | 35,000 |
| (c) Montgomery Institute for Neurological Development | 25,875 |
| (d) Birmingham Training Center for Brain-Injured Children .. | 36,225 |

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(e) Houston County Board of Education for the Vaughn-Blumberg Center for the Developmentally Disabled	51,750
(f) Alice Pigman School	77,625
(g) Geneva County Day Care and Training Center	51,750
(h) McGraw Activity Center	51,750
(i) Dallas County Day Care and Training Center	51,750
(j) Calhoun County Community—"EDUCATION PAR EXCELLENCE"	51,750
(k) North Talladega County Association for Retarded Citizens, Inc.	25,875
(l) South Talladega County Association for Retarded Citizens, Inc.	25,875
(m) ECHO FOUNDATION	15,525
(n) Vivian B. Adams School	284,625
(o) McInnis School of Montgomery	414,000
(p) Alan Cott School	103,500
(q) Alabama Institute for Deaf and Blind	371,769
(r) Madison Park Hope Center	20,000
(s) Dee Day School—Cherokee County	25,000
(t) Clay County Learning Center—Clay County	25,000
(u) Jackson-DeKalb County Special School for the Retarded at Northeast Junior College	39,000
(v) Childrens' Hands-On Museum in Tuscaloosa	35,000
(w) Valley Haven School	25,000

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1988-89, an operations plan for fiscal year 1987-88 and an audited financial statement for all operations during fiscal year 1986-87 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1988-89 funds following receipt of these reports.

Section 3. The provisions of this Act are severable. If any section, paragraph, clause, provision, or item of this Act be held unconstitutional, such declaration shall not affect any portion that remains.

Section 4. This act shall become effective on October 1, 1988.

Yeas 54; Nays 9.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Box, Breedlove, Britnell, Bryant, Buskey (JL), Butler, Carothers, Carter, Curry, Davis, Dillard, Faulk, Ford, Gaston, Grayson, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Logan, Marks, Mathis, McKee, Melton, Moon, Parker,

Payne, Penry, Petelos, Poole, Turnham, Venable, Warren, White (F), White (G), Williams, Wright and Zoghby.

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Nays:

Reps. Blake, Brooks, Burke, Fuller, Hall, Junkins, Newman, Richardson and White (L).

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On motion of Rep. Harper, a Committee on Conference was granted on the disagreement of the two Houses on the Senate amendment to the bill, H. 34.

The Speaker of the House named as the Committee on Conference on the part of the House, Reps. Harper, Kennedy and Freeman.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Langford:

S. J. R. 66. MOURNING THE DEATH OF WALKER BYRD SORRELL OF MONTGOMERY, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Buskey (JL), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 66, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senator Langford:

S. J. R. 62. COMMENDING JOHN L. VARNADO FOR OUTSTANDING COMMUNITY, CIVIC AND FRATERNAL INVOLVEMENT.

Also:

By Senator Rice:

S. J. R. 64. NAMING THE ALABAMA FORESTRY COMMISSION DISTRICT FOUR BUILDING THE ERNIE MOORE BUILDING.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Buskey (JL), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 62, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. White (L), the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 64, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Smith (B):

S. J. R. 61. RECOGNIZING THE EXEMPLARY PUBLIC SERVICE OF JOE W. DAVIS TO THE CITY OF HUNTSVILLE AND TO THE STATE OF ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Freeman, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 61, the title of which is set out in the above and foregoing Message from the Senate.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Holmes to suspend the rules and refuse to take up Senate Messages, was lost, viva voce.

BILLS ON THIRD READING

And the bill:

S. 7. Relating to Madison County, providing a certain county supplement to the salary of each supernumerary circuit clerk in the Twenty-third Judicial Circuit payable from the county treasury.

Was read a third time at length and passed.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Butler, Carter, Cosby, Dillard, Faulk, Freeman, Fuller, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Haynes, Hettinger, Higginbotham, Hogan, Junkins, Laird, Layson, Logan, Marks, McMillan, Moon, Newman, Parker, Payne, Poole, Turnham, Venable, White (G), White (L), Williams, Willis and Zoghby.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Junkins and Bugg:

H. R. 193. MOURNING THE DEATH OF DR. ORMOND RALPH GRIMES OF GADSDEN, ALABAMA.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Harper, the rules were suspended in order to take up out of order the bill, S. 71.

And the bill:

S. 71. To make an appropriation from the State General Fund and the Alabama Special Educational Trust Fund for the fiscal year 1988-89 for the use of a sickle cell education program.

Was read a third time at length and passed.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Coburn, Cosby, Crow, Davis, Dillard, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hammett, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Knight, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Petelos, Poole, Reed, Rogers, Starkey, Thomas, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghy.

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RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Flowers:

H. R. 194. CONGRATULATING MR. AND MRS. FRANK RAINES ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Harper, the rules were suspended in order to take up out of order, the bill, S. 34.

And the bill:

S. 34. (With Amendment): To make an appropriation of \$30,000 from the State General Fund to the Coosa-Alabama River Improvement Association for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend Senate Bill 34 on page 1, in the Synopsis on line 8; in the Title on line 19; and in Section 1 on line 27, by striking therefrom the figure "\$30,000" and inserting in lieu thereof the figure:

\$75,000

MOTION TO CARRY OVER TABLED

On motion of Rep. Harper, the motion offered by Rep. Holmes to carry over the bill, S. 34, and the pending amendment to the twelfth legislative day, was tabled.

Yeas 52; Nays 2.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Bowling, Box, Breedlove, Britnell, Bugg, Buskey (JL), Carothers, Carter, Coburn, Crow, Curry, Dillard, Ford, Frazier, Gaston, Goodwin, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hogan, Holley, Hooper, Johnson (RW), Junkins, Knight, Laird, Layson, Logan, Marietta, Marks, Mathis, McKee, Moon, Newman, Payne, Petelos, Richardson, Starkey, Venable, White (G), White (L), Willis and Wright.

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Nays: Reps. Newton and Perdue.

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The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means to the bill, S. 34.

MOTION TO TABLE

Rep. Holmes offered the motion to table the amendment.

SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Rep. Harper to temporarily carry over the bill, S. 34, and the pending amendment, was adopted.

The question was again on the amendment reported by the Standing Committee on Ways and Means to the bill, S. 34, and the amendment was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JL), Campbell, Carothers,

Clark (W), Cosby, Crow, Curry, Dillard, Drake, Faulk, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Laird, Layson, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Seibels, Starkey, Thomas, Turnham, Venable, Walker, White (G), White (L), Williams, Willis and Zoghby.

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And the bill, S. 34, was read a third time at length and passed.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Buskey (JL), Campbell, Carothers, Clark (W), Cosby, Crow, Curry, Dillard, Drake, Faulk, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harper, Harvey, Haynes, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Moon, Newman, Parker, Payne, Penry, Poole, Richardson, Seibels, Starkey, Thomas, Turnham, Venable, Walker, White (G), White (L), Williams, Willis and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Johnson (RW), the rules were suspended in order to take up out of order the bill, S. 201.

And the bill:

S. 201. To amend Act 88-475, as amended, 1988 Regular Session, which act creates the Alabama Mental Health Finance Authority and provides for mental health projects of the Authority, and financing of such projects; so as to authorize the Authority to enter into any necessary financial instruments or obligations with the Retirement Systems of Alabama in order to secure financing for the funding of projects of the Authority; to provide that such financing shall be payable solely from the taxes appropriated and pledged in Section 16 of Act 88-475, as amended; and to amend Section 16 of Act 88-475, as amended, so as to appropriate and pledge as additional security for bonds authorized pursuant to Act 88-475, as amended, all or a portion of the proceeds of the tax levied in House Bill 351 as approved by the Alabama Legislature in the First Special Session, 1988.

Was taken up.

AMENDMENT OFFERED

Rep. Johnson (RW) offered the following amendment to the bill, S. 201:

Amend S. B. 201 on Page 1, Line 24, by deleting the number "351" and inserting in lieu thereof the number "319".

Further amend S. B. 201 on Page 6, Line 11, by deleting the number "351" and inserting in lieu thereof the number "319".

Further amend S. B. 201 on Page 6, Line 14, by deleting the number "351" and inserting in lieu thereof the number "319".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Buskey (JL), Campbell, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Drake, Faulk, Flowers, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Starkey, Thomas, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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And the bill, S. 201 as thus amended, was read a third time at length and passed.

Yeas 97; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Figures, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J):

S. J. R. 74. MOURNING THE DEATH OF BEULAH MAE DONALD OF MOBILE, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Kennedy, the rules were suspended and the House concurred in the resolution, S. J. R. 74, the title of which is set out in the above and foregoing Message from the Senate.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blakeney, Box, Britnell, Brooks, Bryant, Bugg, Buskey (JL), Butler, Carothers, Clark (W), Crow, Curry, Davis, Dillard, Drake, Faulk, Frazier, Freeman, Fuller, Goodwin, Grayson, Grouby, Hall, Hamilton, Harper, Headley, Hettinger, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RW), Junkins, Kennedy, Knight, Laird, Marks, Mathis, McClain, McMillan, Melton, Moon, Newman, Parker, Penry, Petelos, Rains, Richardson, Rogers, Seibels, Spratt, Starkey, Turnham, Venable, Warren, White (L), Willis and Wright.

—63

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Harper, the rules were suspended in order to take up out of order the bill, S. 62.

And the bill:

S. 62. To amend Section 14-1-14 of the Code of Alabama 1975, increasing the Corrections revolving fund to \$40,000.00.

Was read a third time at length and passed.

Yeas 81; Nays 2.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Buskey (JL), Butler, Campbell, Carothers, Carter, Crow, Curry, Davis, Dillard, Drake, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Hettinger, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Starkey, Thomas, Turnham, Venable, White (G), White (L), Willis, Wright and Zoghby.

—81

Nays: Reps. Haynes and Junkins.

—2

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Harper, the rules were suspended in order to take up out of order the bill, S. 185.

And the bill:

S. 185. To make an appropriation from the Alabama Special Educational Trust Fund in the amount of \$400,000 to the Children's and Women's

Hospital for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Buskey (JL), Butler, Carothers, Carter, Clark (W), Crow, Curry, Davis, Dillard, Drake, Faulk, Ford, Frazier, Fuller, Gaston, Goodwin, Grayson, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Hettinger, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Poole, Reed, Richardson, Rogers, Seibels, Slaughter, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Willis and Zoghby.

—81

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Harper, the rules were suspended in order to take up out of order the bill, S. 145.

And the bill:

S. 145. To make an appropriation for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Beasley, Biddle, Black, Blake, Blakeney, Box, Britnell, Bryant, Bugg, Buskey (JL), Butler, Campbell, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Drake, Ford, Frazier, Gaston, Goodwin, Grayson, Grouby, Hamilton, Hammett, Haynes, Headley, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Laird, Layson, Marks, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Payne, Penry, Poole, Reed, Richardson, Rogers, Slaughter, Starkey, Turner, Turnham, Venable, Warren, White (L), Williams and Zoghby.

—66

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Harper, the rules were suspended in order to take up out of order the bill, S. 199.

And the bill:

S. 199. To amend Act No. 87-761 of the 1987 Regular Legislative Session as it amended Section 4 of Act No. 86-645 1st Special Session, 1986, concerning the repayment of funds transferred from Fund No. 305735 by said Act.

Was taken up.

AMENDMENT OFFERED

Rep. Hettinger offered the following amendment to the bill, S. 199:

Amend Senate Bill 199, page 1, by striking lines 29 through 32 in their entirety and substituting in lieu thereof the following:

sum equivalent to seven million dollars (\$7,000,000) is hereby appropriated into Fund No. 305735 from the State General Fund to be paid in quarterly allotments beginning October 1, 1988 for the fiscal year ending September 30, 1989. to be repaid at a future date.

S. 199 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, S. 199, and the pending amendment were temporarily carried over.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Holley, the rules were suspended in order to take up out of order the bill, S. 132.

And the bill:

S. 132. (With Substitute) (With Amendment): To establish the "Alabama Hazardous Substance Cleanup Fund"; to provide that such fund shall be used for the cleanup and restoration of abandoned or inactive sites at which improper treatment, storage or disposal of hazardous substances has occurred; to plan and undertake the rehabilitation, removal and cleanup of hazardous substances deposited improperly at sites located within Alabama; to provide that this fund shall be used for sites not qualified for or unlikely to receive funding for cleanup from funds designated for cleanups under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. §9601 et seq.) and to provide state matching funds for cleanups under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980; to provide for penalties and recovery of cleanup costs; to provide that the fund shall be administered by the Alabama Department of Environmental Management; and to direct the Alabama Department of Environmental Management to secure other funds whenever possible.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To establish the "Alabama Hazardous Substance Cleanup Fund"; to provide that such fund shall be used for the cleanup and restoration of abandoned or inactive sites at which improper treatment, storage or disposal of hazardous substances has occurred; to plan and undertake the rehabilitation, removal and cleanup of hazardous substances deposited improperly at sites located within Alabama; to provide that this fund shall be used for

sites not qualified for or unlikely to receive funding for cleanup from funds designated for cleanups under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. §9601 et seq.) and to provide state matching funds for cleanups under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980; to provide for penalties and recovery of cleanup costs; to provide that the fund shall be administered by the Alabama Department of Environmental Management; and to direct the Alabama Department of Environmental Management to secure other funds whenever possible.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. The Legislature finds that hazardous substances have been treated, stored or disposed of at sites which are inactive or abandoned and that such sites have the potential for deleterious impacts on groundwater, human health or the environment. The Legislature, therefore, declares that it is in the public interest to assure that such sites are identified and that action is taken to provide for the cleanup and rehabilitation of such sites within the state of Alabama. The Legislature intends that funds provided under this Act be used primarily to clean up and rehabilitate sites not qualified for or unlikely to receive funding under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. § 9601 et seq.) but that the funds provided under this Act may also be used to provide state matching funds for cleanups and for operation and maintenance of sites which have completed cleanup under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980.

SECTION 2. When used in this Act and except where the context prohibits, the following words and terms shall have the following meanings:

(1) CLEANUP. All activities including administrative activities related to the identification, investigation and evaluation of hazardous substance sites and the removal of hazardous substances or other closure or containment of hazardous substances and any subsequent monitoring of such sites.

(2) COMMISSION. The Alabama Environmental Management Commission as created by Section 22-22A-6, Code of Alabama 1975.

(3) DEPARTMENT. The Alabama Department of Environmental Management as created by Section 22-22A-4, Code of Alabama 1975.

(4) DIRECTOR. The director of the Alabama Department of Environmental Management.

(5) FUND. The Alabama Hazardous Substance Cleanup Fund.

(6) HAZARDOUS SUBSTANCE. Any substance defined as a hazardous substance pursuant to 42 U.S.C. § 9601(14) or listed as a hazardous waste pursuant to the Hazardous Wastes Management Act, Code of Alabama 1975 Sections 22-30-1 et seq. and the regulations promulgated thereunder.

(7) HAZARDOUS SUBSTANCE SITE. Any unpermitted site or location where a hazardous substance has been released or where there is a potential for a release due to the treatment, storage or disposal of a hazardous substance.

(8) INACTIVE OR ABANDONED HAZARDOUS SUBSTANCE SITE. Any hazardous substance site which does not receive any hazardous substance for treatment, storage or disposal after the effective date of this Act, or

which ceases receiving any hazardous substance for treatment, storage or disposal after the effective date of this Act.

(9) **LIABLE PARTY.** Any person who:

a. Is an operator or former operator of an inactive or abandoned hazardous substance site;

b. Generated a waste treated, stored or disposed of at a hazardous substance site which has become inactive or abandoned;

c. Transported waste for treatment, storage or disposal to a hazardous substance site which has become inactive or abandoned, but only if the site was selected by the transporter; or

d. Directed the hazardous substance for treatment, storage or disposal to the inactive or abandoned hazardous substance site.

(10) **OPERATOR.** A person who has treated, stored or disposed of or permitted a third person to treat, store or dispose of a hazardous substance at a site which has become an inactive or abandoned hazardous substance site, or a person who obtained ownership of a site either knowing or with reason to know it was an abandoned or inactive hazardous substance site. Such term does not include a person, who, without participating in the management of a site which has become an inactive or abandoned hazardous substance site, holds indicia of ownership primarily to protect a security interest in the site.

(11) **RELEASE.** Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment of a hazardous substance.

(12) All other terms used in this Act shall be defined as such terms are defined in the Hazardous Wastes Management Act, Code of Alabama 1975, Section 22-30-1 et seq. as amended, and the regulations promulgated thereunder.

SECTION 3. (a) There is hereby established within the state treasury a special revenue fund to be known as the Alabama Hazardous Substance Cleanup fund. All federal grants, state appropriations, penalties, reimbursements and any other funds collected pursuant to this Act are hereby appropriated for the purposes provided for in this Act and shall be deposited into said fund. Any funds remaining in the Alabama Hazardous Substance Cleanup Fund at the end of any fiscal year shall not revert to the general fund but shall remain in said fund and is hereby reappropriated until expended in accordance with the provisions of this Act.

(b) There is hereby appropriated from the State General Fund for the fiscal year ending September 30, 1989, the amount of \$100,000.00 for the start-up and administrative costs necessary to implement this Act and for inactive or abandoned hazardous substance site cleanup costs.

(c) In addition to the appropriations heretofore made, there is hereby conditionally appropriated from the State General Fund for the fiscal year ending September 30, 1989, the sum of \$500,000 to be used solely for the purpose of cleanup operations of abandoned or inactive hazardous substance sites, reimbursement to the fund for monies expended by the department for cleanup of such sites, and as matching funds to allow cleanups and operation and maintenance of sites which have completed cleanup under the federal Comprehensive Environmental Response, Compensation and Liability

Act of 1980 (42 U.S.C. § 9601 et seq.), such funds to be released to the fund on a project-by-project basis, conditioned upon the availability of funds in the State General Fund, the recommendations of the Finance Director, and the approval by the Governor.

SECTION 4. (a) In relation or addition to the powers set forth in this section and any other provisions of laws of this state, the department is empowered, with regard to the regulation, control, or removal of hazardous substances as follows:

(1) To respond to, direct, or initiate cleanup of inactive or abandoned hazardous substance sites;

(2) To conduct or contract for professional technical data gathering and analysis and damage assessment;

(3) To conduct or contract for the removal or containment of hazardous substances where there has been or is a potential for release, regardless of quantity or concentration; and

(4) Acting through the provisions of Code of Alabama 1975, Sections 22-22A-5, and 22-22A-8 issue such rules and regulations as are necessary to carry out the provisions of this Act.

(b) The fund shall be available to the department for expenditures for the purpose of providing for the identification, investigation, and for the containment and cleanup, including monitoring and maintenance of inactive or abandoned hazardous substance sites within the state as provided in this Act, and as follows:

(1) monies from the fund may be used only for cleanup of inactive or abandoned hazardous substance sites which at the time cleanup activities commence do not appear on the most current national priorities list (NPL) of the United States Environmental Protection Agency as developed under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ('CERCLA') 42 U.S.C. §§ 9601 et seq. unless,

(2) the monies are intended to provide the State's share of matching funds for cleanup of a CERCLA site on the NPL.

(c) The department may enter into such contracts and use the fund for those purposes directly associated with identification, investigation, containment and cleanup, including monitoring and maintenance, prescribed above including:

(1) hiring of consultants and personnel;

(2) purchasing, leasing or renting of necessary equipment; and/or

(3) paying other necessary expenses.

(d) The fund shall not be used for hiring personnel for continuing programs of the department not directly related to the purpose of this Act or for on-going research activities not directly related to the purpose of this Act.

SECTION 5. (a) The director shall identify inactive or abandoned hazardous substance sites, as defined herein, within the State of Alabama. Once identified the director shall refer to the most current national priorities list ("NPL") of the United States Environmental Protection Agency under the Comprehensive Environmental Response, Compensation and Liability Act

of 1980, ("CERCLA") 42 U.S.C. §§ 9601 et seq. Any Alabama site identified by the director that also appears on the NPL shall not be subject to this act, except for the matching funds provision of Section 3(c) of this act.

(b) For all sites so identified by the director, not appearing on the NPL, the director shall attempt to identify all potentially liable parties. If the potentially liable parties can be identified within a reasonable time, the director may:

(1) Order the potentially liable party or parties to develop a Hazardous Substance Cleanup Plan detailing how the liable party or parties will investigate, identify, contain and clean up the site, including post-cleanup monitoring and maintenance of the site; and

(2) Order the potentially liable parties to implement the plan, subject to approval by the department, within a reasonable time as specified in the order; and

(3) Provide a 30-day public comment period on the plan in the county where the site is located, provided that such public comment period may be waived if the director finds that such delay would significantly increase the threat to human health or the environment. Notice of the public comment period shall be given by a one-time publication in a newspaper of general circulation in the county where the site is located and to the governing body of the county or municipality where the inactive or abandoned hazardous substance site is located.

(c) No order may be issued under this section until a potentially liable party is provided notice and an opportunity for an informal hearing before the department. Provided, however, that whenever the director, after investigation, finds that the threat to human health or the environment is imminent, the director may issue the order without a hearing. In the event the director makes such a determination, the facts supporting this conclusion shall be set forth in the Order in detail.

(d) Whenever any liable party fails to comply with an order to develop a Hazardous Substance Cleanup Plan for a site, the department may develop such a plan. The reasonable expenses of developing the plan by the department shall be paid from the fund if available and reimbursed by the liable party. This reimbursement of expenses is in addition to any penalties assessed under Section 5(i) of this Act.

(e) Whenever the liable party fails to comply with an order to implement a Hazardous Substance Cleanup Plan for a site, the department may implement such a plan. The provisions of Section 5(a)(3) of this Act regarding public comment shall apply to the department's plan. The reasonable expenses of implementing the plan by the department shall be paid from the fund if available and reimbursed by the liable party. This reimbursement of expenses is in addition to any penalties assessed for failure to comply with the order.

(f) In the event that no liable party can be identified, or if the liable party cannot be identified within a reasonable time, or if the director determines there is an imminent threat to human health or the environment, and sufficient monies are available in the fund, the department may develop and implement a Hazardous Substance Cleanup Plan. The provisions of Section 5(a)(3) of this Act regarding public comment shall apply to the department's plan. The reasonable expenses of developing and implementing such plan shall be paid from the fund if available and reimbursed by the

liable party when and if identified. This reimbursement of expenses is in addition to any penalties assessed under this Act.

(g) Orders issued under this section may be appealed as provided in Section 22-22A-7(c), Code of Alabama 1975.

(h) The department is authorized to recover expenses as set out in this section by administrative order or by civil action in the circuit court of the county where the site is located or where the liable party resides or does business.

(i) No administrative or civil penalties shall be assessed against a liable party until and unless the liable party fails to comply with provisions of an order issued by the department pursuant to this Act. In the event, the department may seek, in addition to the recovery of expenses, administrative or civil penalties as provided for in Section 22-22A-5 Code of Alabama 1975, however, nothing herein shall prevent the imposition of administrative or civil penalties for the violation of any other relevant statute or regulation.

SECTION 6. (a) In determining the scope, nature and content of a Hazardous Substance Cleanup Plan the director shall evaluate reasonable alternatives and select or approve those actions which he determines are necessary to protect human health and the environment. The goal of any pertinent action shall be cleanup and containment of the site through the elimination of the threat to the human health and the environment posed by the hazardous substance. In choosing the necessary action at each site, the director shall consider the following factors:

- (1) The technological feasibility of each alternative;
- (2) The cost estimate of each alternative;

(3) The quantity of hazardous substances present their toxicity and mobility and the risk of harm to the environment. This factor shall not require the director to make a detailed analytical and scientific study of the site prior to choosing or approving the selected alternative, however, the director shall make a good faith effort to generally determine this information to aid his choice of alternative actions.

(4) The capability of the selected alternative to protect human health and the environment.

SECTION 7. (a) The director shall, on or before January 1, 1989, and annually thereafter on January first of each succeeding year, transmit an updated Annual Report to the commission, the legislature, and the governor. Each Annual Report shall include, but need not be limited to, the following information for each site:

(1) A general description of the site, including the name and address of the site, the type and quantity of the hazardous substance disposed of at the site if known, and the name of the current owners of the site and any known potentially liable parties;

(2) A summary of any significant environmental problems at and near the site; the site's proximity to public or private drinking water supplies, or other water supplies;

(3) The clear identification of the site on a map;

(4) The status of any testing, monitoring or remedial actions in progress or recommended by the director;

(5) The status of any pending legal and administrative actions and any federal, state or local government permits concerning the site;

(6) The proximity of the site to private residences, public buildings or property, school facilities, places of work or other areas where individuals may be regularly present;

(7) All costs incurred pursuant to the implementation of this Act by the department or any other party; and

(8) Estimated future costs to be incurred pursuant to the implementation of this Act by the department or any other party.

(b) The director shall also transmit a copy of the annual report to each potentially liable party identified in the annual report.

SECTION 8. (a) Liable parties shall be liable to the state for amounts expended for the investigation, identification, containment and cleanup of hazardous substance sites, including the cost of post-cleanup monitoring and maintenance of such sites.

(b) The department or the attorney general shall act to recover for the fund the reasonable and necessary amounts expended for the investigation, identification, containment, cleanup, monitoring and maintenance of inactive or abandoned hazardous substance sites to the extent the department or the attorney general can attribute these expenditures to liable parties as set out herein. Recovery of these expenditures by the department or the attorney general can be either by administrative order or by commencing a civil action in the county where the site is located or where the liable party resides or does business.

(c) The liability of liable parties is not joint and several. Liable parties shall be liable to reimburse the fund only for the costs of investigation, identification, containment and cleanup of hazardous substance sites, including the cost of monitoring and maintenance generally attributable to that party's proportional contribution to the hazardous substance present at the site. In determining proportional contributions among liable parties the following factors shall be taken into consideration:

(1) total volume of waste at the site;

(2) the percentage of the total volume of waste attributable to the liable party;

(3) good faith efforts of the liable party to ensure proper treatment, storage or disposal;

(4) any expenditures required by this Act made by a liable party shall be credited toward its liability.

(d) In no event shall the total liability from any liable party be an amount less than the total cost for the investigation, identification, containment and cleanup of hazardous substances attributable to that liable party except that the total recovery from the liable party shall not exceed the amount expended from the fund plus reasonable costs to the department to obtain recovery from the liable party.

(e) In no event shall the calculation of a liable party's proportional contribution be increased or in any way influenced by the failure of the director to identify other liable parties or by the failure of other liable parties to pay their proportional contribution.

(f) There shall be no liability under this Act for a liable party who can establish by a preponderance of the evidence that the release or imminent threat of release and the environmental damages resulting therefrom were caused by an act or omission of a third party other than an employee or agent of the liable party.

(g) If the department is unable to calculate proportional contributions among liable parties because of insufficient evidence the department shall commence a declaratory judgment civil action in circuit court in the county where the site is located or where the liable party resides or does business seeking a declaration of apportionment. The court shall take into consideration the factors previously listed.

(h) Any expenses not attributable to a liable party shall be paid from the fund.

(i) All expenditures recovered from liable parties shall be deposited in the fund.

(j) A liable party may elect to satisfy its liability by applying any proceeds from liability insurance or other financial assurance mechanisms which have been provided by the liable party or parties.

SECTION 9. No action may be commenced against the director, any employee of the department, or any person under contract with the department for damages as a result of actions taken or omitted in the course of performing duties or functions under this act or in the course of rendering care, assistance, or advice at the direction of an on-scene coordinator appointed by the director, with respect to the cleanup of an abandoned or inactive hazardous substance site including any release of a hazardous substance or the threat thereof.

SECTION 10. The director or his designee shall have the right at reasonable times to enter upon any property upon which a known or suspected inactive or abandoned hazardous substance site is located and any other property which must be entered to have access to the site or to perform or cause to be performed all actions necessary to carry out the provisions of this Act. Entry shall be construed as an exercise of the police power and shall not be construed as an act or condemnation of property or of trespass.

SECTION 11. (a) It shall be a violation of the provisions of this Act for any liable party to:

(1) violate any provision of or time period set forth in any administrative order issued by the director;

(2) destroy or conceal any records relating to hazardous substances or abandoned or inactive sites, except where a liable party can demonstrate that any destruction of record was done in the ordinary course of its business;

(3) violate any settlement or consent agreement entered into pursuant to or in anticipation of an administrative order issued by the director, or pursuant to or in anticipation of any civil action initiated under the provisions of this Act.

(b) Civil penalties as provided for in this act may be assessed either by administrative order or civil action.

SECTION 12. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Bowling, Box, Brooks, Bryant, Buskey (JL), Butler, Campbell, Carothers, Carter, Crow, Curry, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Hettinger, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Laird, Layson, Logan, Marietta, Marks, Mathis, McKee, Melton, Mikell, Moon, Newman, Parker, Payne, Petelos, Rains, Reed, Richardson, Seibels, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

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The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend Substitute to S. 132, on Page 3, Section 2, Subsection 8, Line 19, after the word "site" by inserting the following:

" , except one which has been permitted by the Department of the Environmental Protection Agency as a commercial hazardous waste or substance disposal facility and closed through appropriate closure procedures,"

Further amend on Page 12, Lines 8 and 9, by deleting the word "waste" and inserting in lieu thereof the words: hazardous substance

And the amendment was adopted.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Hettinger, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, Melton, Moon, Newman, Parker, Payne, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

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And the bill, S. 132 as thus amended, was read a third time at length and passed.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JL), Butler, Campbell, Carothers,

Carter, Clark (W), Crow, Curry, Dillard, Drake, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Hettinger, Higginbotham, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McKee, Melton, Mikell, Moon, Newman, Parker, Payne, Petelos, Poole, Rains, Reed, Richardson, Seibels, Slaughter, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Britnell, the rules were suspended in order to take up out of order the bill, S. 24.

And the bill:

S. 24. (With Substitute): To create and provide for the incorporation, organization and operation of the Alabama water system assistance authority; to prescribe the powers and functions of the said authority as a public corporation; to authorize the authority to make loans or grants to public water systems and to issue bonds; to establish a special "water supply assistance fund"; to provide for a legislative oversight committee to monitor such authority; to provide that the revenues accruing to the Alabama water system assistance authority from bonds issued by such authority shall be deposited in a certain fund to be operated by the state treasury; and to provide for state assistance to and cooperation with community water systems in financing projects that would focus on locating, developing and sustaining adequate potable water supplies for the citizens of this state.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To create and provide for the incorporation, organization and operation of the Alabama water system assistance authority; to prescribe the powers and functions of the said authority as a public corporation; to authorize the authority to make loans or grants to public water systems and to issue bonds; to establish a special "water supply assistance fund"; to provide for a legislative oversight committee to monitor such authority; to provide that the revenues accruing to the Alabama water system assistance authority from bonds issued by such authority shall be deposited in a certain fund to be operated by the state treasury; and to provide for state assistance to and cooperation with community water systems in financing projects that would focus on locating, developing and sustaining adequate potable water supplies for the citizens of this state.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following words and phrases, whenever used in this act, shall have the following respective meanings unless the context clearly indicates otherwise:

(1) **AUTHORITY.** The corporation organized pursuant to the provisions of this act as a public corporation, agency and instrumentality of the state and known as the "Alabama water system assistance authority."

(2) **AUTHORIZING RESOLUTION.** A resolution or order adopted by the board of directors of the authority authorizing the issuance of bonds by the authority pursuant to this act.

(3) **BOARD OF DIRECTORS.** The board of directors of the Alabama water system assistance authority.

(4) **BONDS.** The "water system assistance bonds," notes or obligations or other evidences of indebtedness issued by the authority under the provisions of this act.

(5) **BOND PROCEEDS.** The direct proceeds of sale of bonds or notes, and the income derived from the investment of such proceeds.

(6) **COMMUNITY WATER SYSTEM.** A public water system as defined in Section 22-23-31(12) of the Code of Alabama 1975.

(7) **DEPARTMENT.** The department of economic and community affairs or any successor.

(8) **PROJECT(S).** Research and development, site purchase and preparation, initial construction, expansion or renovation of water supply facilities.

Section 2. It is the intent of the legislature acting by and through the authority and the department to aid, assist and coordinate existing community water systems in locating, developing and sustaining adequate potable water supplies for the citizens of this state and to this end to authorize the incorporation of a state authority with power and authority to issue water system assistance bonds, as may be necessary, from time to time, to finance community water system projects.

Section 3. The governor, the director of the department of economic and community affairs, the director of finance, one member of the House of Representatives appointed by the Speaker, and one member of the Senate appointed by the Lieutenant Governor may become a public corporation to be known as the Alabama water system assistance authority with the power and authority hereinafter provided, by proceeding according to the provisions of this act. Provided, however, that actions taken by such authority shall be monitored, from time to time, by a special "Water assistance legislative oversight committee" composed of three members of the House of Representatives appointed by the Speaker of the House and three senators appointed by the Lieutenant Governor. Members of the legislature serving on this oversight committee shall be entitled to their regular legislative per diem and travel expenses on such committee's meeting days. The Lieutenant Governor shall appoint a chairperson for such committee and the Speaker of the House shall appoint the vice-chairperson. Such committee shall meet, from time to time, on request of either the chairperson or the authority. The Lieutenant Governor and the Speaker of the House shall make the appointments to the authority and the Water assistance legislative oversight committee within fifteen days of the effective date of this act.

Section 4. There is hereby established a special fund within the state treasury to be known as the "water supply assistance fund." Proceeds from the sale of bonds issued by the authority shall be deposited in this special "water supply assistance fund." Money in such fund shall be expended in accordance with adopted regulations and policies of the authority and may be used to provide a loan or loans for community water system supply projects or to refinance debt of community water systems or to secure principal and interest on bonds issued by the authority. Money not currently needed

for the operation of the water supply assistance fund may be invested, from time to time, by the board and all interest earned on such investments shall be credited to the water supply assistance fund.

Section 5. (a) To become a corporation, the governor, the director of the department, the director of finance, and the two legislators appointed to the authority in Section 3 of this Act shall present to the secretary of state of Alabama an application signed by them which shall set forth:

(1) The name, official designation and official residence of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office;

(2) The date on which each applicant was inducted into office and the term of office of each of the applicants;

(3) The name of the proposed corporation, which shall be the "Alabama water system assistance authority";

(4) The location of the principal office of the proposed corporation; and

(5) Any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this act or any other laws of the state. The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of this state to take acknowledgments to deeds. The secretary of state shall examine the application; and if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

When the application has been made, filed and recorded as herein provided, the applicants shall constitute a corporation under the name proposed in the application, and the secretary of state shall make and issue to the applicants a certificate of incorporation pursuant to this act, under the great seal of the state, and shall record the certificate with the application. There shall be no fees paid to the secretary of state for any work done in connection with the incorporation or dissolution of the authority.

(b) The applicants named in the application and their respective successors in office shall constitute the members of the authority. The governor shall be the president of the authority, the director of the department shall be the vice-president thereof, and the director of finance shall be the secretary thereof. The members of the authority shall constitute all the members of the board of directors of the authority, and any three members of the said board of directors shall constitute a quorum for the transaction of business. Should any person holding any state office named in this section cease to hold such office by reasons of death, resignation, expiration of his term of office or for any other reasons, then his successor in office shall take his place as a member, officer or director of the authority. No member, officer or director of the authority shall draw any salary, in addition to that now authorized by law, for any service he may render or for any duty he may perform in connection with the authority.

(c) All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the authority, shall be signed by at least three members of the authority and shall be recorded in a substantially bound book and filed in the office of the secretary. Copies of such proceedings, when certified by the secretary of the authority, under the seal of the

authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

Section 6. (a) The authority shall have the following powers, among others specified by this act:

(1) To have succession in its corporate name until the principal of and interest on all bonds issued by it shall have been fully paid;

(2) To sue and be sued and to prosecute and defend, at law and in equity, in any court having jurisdiction of the subject matter and of the parties thereto;

(3) To have and to use a corporate seal and to alter such seal at pleasure;

(4) To establish a fiscal year;

(5) To construct and operate or lease to or from any community water system;

(6) To execute agreements effectively obligating the authority to agree to pay and to pay such portion of the estimated reasonable cost of the project of each community water system as may be required to meet the water supply goals of the state;

(7) To issue bonds or other obligations provided such proceeds are deposited in a special "water supply assistance fund" within the state treasury;

(8) To enter into such agreements in connection with the sale of its bonds as the board shall determine, including arrangements for letters of credit, bond insurance or other credit enhancement devices, provided that no such arrangement shall obligate funds of the authority other than as provided in this act;

(9) To appoint and employ such attorneys, financial advisors, agents and employees as the business of the authority may require; and

(10) To promulgate and establish guidelines and procedures relating to loans or grants by the authority including but not necessarily limited to limits on the amounts of such loans or grants and eligibility requirements for such loans or grants.

(b) The authority shall use accounting, audit, and fiscal procedures conforming to generally accepted government accounting standards.

(c) The governor shall deliver an annual report of the authority to the legislature.

Section 7. For the purpose of providing funds for the authority to make loans to community water systems for a project or projects, or to refinance debt of community water systems or for the payment of obligations incurred or temporary loans made for any of said purposes, the authority is hereby authorized, from time to time, to issue and sell its bonds or other evidences of indebtedness. Such bonds may be issued in one or more series; shall be in such form and denominations and of such terms and maturities, not exceeding 35 years from the date of issue of each series; shall bear such rate or rates of interest, payable and evidenced in such manner; may contain such provisions for registration or for redemption prior to maturity; and may contain such other provisions not inconsistent herewith, all as may be provided by the authorizing resolution. As security for the payment of the principal of and interest on its bonds, the authority is authorized to pledge,

transfer and assign any obligations of each community water system, payable to the authority and the security for such obligation.

Section 8. The bonds and other evidences of indebtedness of the authority may be sold at such time or times as the board of directors may deem advantageous. The bonds shall be sold by competitive sale unless because of market conditions and/or credit structures such a sale would be disadvantageous to the state. In the event such a determination is made by the board of directors, the bonds shall be sold through a negotiated sale and the managing underwriter(s) shall be selected based on criteria, which shall include but not be limited to, experience, ability, responsiveness, and fee structure. Said criteria shall be established by the board of directors and shall be included in a request for proposals for the managing underwriter(s). Bonds sold at public sale shall be awarded to the bidder whose bid reflects the lowest true interest cost to the authority for the bonds being sold, computed to their respective absolute maturities; provided, that if no bid acceptable to the authority is received, it may reject all bids and readvertise. Notice of any public sale shall be given by such publication or by such distribution of notices of sale or both, as the board of directors may determine subject to state law. The authority may pay from the proceeds of the sale of its bonds all expenses, including publication and printing charges, attorney's fees, financial advisory fees, and other expenses which the board of directors may deem necessary or advantageous in connection with the authorization, advertisement, sale, execution and issuance thereof.

Section 9. In anticipation of the issuance of bonds, the authority may borrow such sums as may be needed for any of the aforesaid purposes and to obligate itself by certificate or promissory note, bearing interest at a rate or rates to be specified by the authority, and maturing within 18 months from the date of such certificate or promissory note. Such certificates or promissory notes shall be payable solely from the proceeds of the bonds of the authority and from the funds from which such bonds are payable. In the event that authority funds are not available for a loan for a project when application is made, in order to accelerate the completion of any project, a community water system may, with the approval of the authority, obligate such community water system to provide local funds to pay that portion of the cost of the project which the authority will make available by loan, and the authority shall refund the amount expended on its behalf by such water system.

Section 10. The authority may, from time to time, issue and sell its refunding bonds for the purpose of refunding any matured or unmatured bonds of the authority at the time outstanding and any premiums necessary to be paid to redeem any bonds so to be refunded. The holders of such refunding bonds shall be subrogated and entitled to all priorities, rights and pledges to which the bonds refunded thereby were entitled.

Section 11. (a) In order to provide for the funding of the loan by the authority for a project to a community water system, such water system shall establish a dedicated source of revenue to repay the monies received from the authority and to provide for operation, maintenance and equipment replacement expenses. Such water system is hereby authorized and empowered, any existing statute to the contrary notwithstanding, to do and perform any one or more of the following:

(1) To obligate itself to pay to the authority at periodic intervals a sum sufficient to provide bond debt service with respect to the bonds of the authority issued to fund the loan for such project and to pay over such debt

service to the account of the project for deposit to the water supply assistance fund;

(2) To levy, collect and pay over to the authority and to obligate itself to continue to levy, collect and pay over to the authority the proceeds of any one or more of the following:

- a. Any water supply service fee or charge; and
- b. Other revenue available to the community water system;

(3) To undertake and obligate itself to pay its contractual obligation to the authority solely from the proceeds from any one or more of the sources specified in subdivision (2) above, or to impose upon, itself a general obligation pledge, if appropriate, to the authority additionally secured by a pledge of any one or more of such sources;

(4) To obligate itself to continue to levy and collect such revenues, fees and charges as shall equal not less than 110 percent nor more than 125 percent, as determined by the authority of the maximum principal and interest maturing and coming due in any one year on the bonds issued by the authority to fund a loan for the project; and

(5) To enter into such agreements, to perform such acts and to delegate such functions and duties as its governing body shall determine to be necessary or desirable to enable the authority to fund a loan to the community water system to aid it in the construction or acquisition of a project.

(b) In the event of default, the authority may utilize all available remedies under state law.

(c) All loans made by the authority shall provide that repayment of such loans shall be made in accordance with guidelines for such repayment made by the authority.

(d) The recipients of loans shall maintain project accounts in accordance with generally accepted government accounting standards.

Section 12. The state treasurer may invest any idle or surplus moneys of the state in bonds of the authority. The governing body of any county or municipality is authorized in its discretion to invest any idle or surplus money held in its treasury in bonds of the authority. Such bonds shall be legal investments for executors, administrators, trustees and other fiduciaries, unless otherwise directed by the court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's authority, and for savings banks and insurance companies organized under the laws of the state.

Section 13. All bonds or other indebtedness of the authority and the coupons applicable thereto and the income therefrom and all projects or parts thereof and all assets of the authority shall be forever exempt from any and all taxation in the state.

Section 14. All securities issued by the authority shall be exempt from the laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation, the provisions of chapter 8 of Title 8, Code of Alabama 1975.

Section 15. This act is intended to aid the state through the furtherance of its purposes by providing an appropriate and independent instrumentality

of the state with full and adequate powers to fulfill its functions. Except as expressly provided in this act, no proceeding, notice or approval shall be required for the incorporation of the authority, the purchase of any loans or the making of any loan to a community water system, the issuance of any bonds, or the exercise of any other of its powers by the authority.

Section 16. All bonds issued by the authority, while registered, shall be construed to be negotiable instruments even though they are payable from a limited source. All coupons applicable to any bonds issued by the authority, while the applicable bonds are registered as to both principal and interest, shall likewise be construed to be negotiable instruments although payable from a limited source.

Section 17. All bonds, notes and certificates issued by the authority shall be solely and exclusively obligations of the authority, payable solely from the revenues, income, fees or charges which may pursuant to the provisions of this act, be pledged to the payment thereof, and no such bonds, notes or certificates shall create an obligation or debt of the state. Provided, however, that an agreement by the authority to make a loan to a community water system for a project shall impose an obligation on the state to make such loan from any funds which are then or may thereafter become available regardless of the funding of the loan by the community water system and subject only to any terms and conditions set forth in such agreement.

Section 18. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 19. All laws or parts of laws which conflict with this act are hereby repealed.

Section 20. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Butler, Carothers, Clark (W), Crow, Curry, Davis, Dillard, Drake, Faulk, Flowers, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Hettinger, Higginbotham, Hogan, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Parker, Payne, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

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S. 24 TEMPORARILY CARRIED OVER

On motion of Rep. Britnell, the bill, S. 24 as amended, was temporarily carried over.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 75. To alter, extend, rearrange and redefine the boundaries and corporate limits of the City of Huntsville in Madison County, annexing certain territory to the city.

Also:

H. 190. Relating to Jefferson County; to continue the office of Assistant Sheriff, Bessemer Division; to prescribe the duties, responsibilities and term; to provide for the appointment, qualifications and compensation of said office; to repeal all conflicting statutes; to provide for severability of the provisions of this act and to prescribe the effective date of such act.

Also:

H. 191. To provide for the appointment of a Chief Deputy Tax Collector by the Elected Jefferson County Tax Collector and to provide for compensation, funding and qualifications of said Chief Deputy.

Also:

H. 192. To provide for the appointment of a Chief Deputy Tax Collector by the elected Jefferson County Assistant Tax Collector, Bessemer Division, and to provide for compensation, funding and qualifications of said Chief Deputy.

Also:

H. 195. To amend Act No. 453 of the 1967 Regular Session of the Legislature of Alabama, (1967 Acts of Alabama, page 1129), as amended by Act No. 393 of the 1975 Regular Session of the Legislature of Alabama, said acts providing a pension and relief fund for officers and employees of the library board of any city having a population of three hundred thousand or more according to the last and any subsequent federal census, said act applicable to the officers and employees of the Birmingham Public Library System, to provide for the participation of the employees of the library board who are currently entitled to participate in the unclassified pension relief plan of the City of Birmingham to participate in the Birmingham Library Board Employees Pension and Relief Fund and to provide for related matters.

Also:

H. 291. Relating to Mobile County; providing for the compensation and payment of an additional salary for members of the county governing body, and to preserve certain Mobile County acts regarding salary and expense allowances for said members.

Also:

H. 177. Relating to Jefferson County, providing for a subsistence allowance for certain law enforcement officers.

Also:

H. 196. To amend section 11-52-32 of the Code of Alabama 1975 relating to planning, zoning and subdivisions, so as to provide further for the planning

commissions of Class 1 municipalities to elect no less than three and no more than five of the members thereof to serve as a committee to approve or disapprove any plat presented to such commission.

Also:

H. 197. To amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended, which created a retirement system for officers and employees in cities of two hundred thousand or more inhabitants according to the latest federal decennial census, so as to provide further for the payments of benefits during periods of re-employment.

Also:

H. 229. Relating to Jefferson County; to amend Article VI of Act No. 1272, H. 620, 1973 Regular Session (Acts 1973, p. 2124), relating to the extraordinary disability benefits of the City of Birmingham Retirement and Relief System, so as to provide that extraordinary disability benefits shall not be paid to any participant who joins the system on or after January 1, 1989, during any period that a disabled participant is able to perform other duties in his job classification or the customary duties of another job with that participant's employer, which duties or job has been offered to participant and which job pays a salary or wage equal to or greater than the salary or wage such participant was earning at the time of the incident causing the disability, and to provide that, for injuries occurring after January 1, 1989, the Board of Managers may waive the one-year limitation and grant an application for extraordinary disability allowance if granted within thirty-six months after the incident resulting in such disability.

Also:

H. 301. Relating to counties having a population excess of 500,000 according to the most recent federal decennial census; to amend Section 1 of Act No. 81-752, H. 33, 1981 Regular Session, which relates to the compensation of certain election officials so as to increase their compensation.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 297. To propose an amendment to the Constitution of Alabama of 1901, to empower the legislature from time to time by local act to authorize

or require the Jefferson County Commission to prohibit the overgrowth of weeds and the storage and accumulation of certain junk, motor vehicles and litter and to provide for the implementation, administration and enforcement of said prohibition and the assessment of certain criminal penalties; and to also provide for the validation of certain acts.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 311. Relating to Bibb County, to authorize the county commission to levy an additional one cent (\$.01) sales and use tax in the county in areas located outside the corporate limits of Centreville, Brent and West Blocton; to provide for collection of said tax by the state revenue department; and to distribute the net proceeds of said tax to the county general fund.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 178. Relating to Etowah County; to authorize the probate judge to set the fee for supplying a copy of an instrument; to place the proceeds from the fees in a special fund and provide for its use.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

And the bill:

S. 94. To amend section 36-21-9 of the Code of Alabama 1975, which provides for a card authorizing an honorably retired law enforcement officer to carry a handgun so as to change the issuance of the card from an annual to a permanent basis.

Was read a third time at length and passed.

Yeas 80; Nays 3.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Dillard, Drake, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Richardson, Seibels, Slaughter, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), Williams, Willis, Wright and Zoghby.

—80

Nays: Reps. Newton, Rogers and Spratt.

—3

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Ford, the rules were suspended in order to take up out of order the bill, S. 150.

And the bill:

S. 150. To amend sections 16-33B-1, 16-33B-3 and 16-33B-4, Code of Alabama 1975, relating to the Alabama guaranteed student loan program, so as to define approved lender, student loan, Federal Student Loan Law and eligible institution; to provide program administration in accordance with the Federal Student Loan Law; to provide for basic powers and duties of the Alabama Commission on Higher Education in accordance with the Federal Student Loan Law; to promote the availability of the Alabama guaranteed student loan program; and to service loans.

Was read a third time at length and passed.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Campbell, Carothers, Carter, Clark (W),

Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Hall, Hamilton, Hammett, Harper, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Biddle:

H. R. 195. CONGRATULATING MR. AND MRS. LONNIE GRIGSBY ON THE OCCASION OF THEIR 61ST WEDDING ANNIVERSARY.

BILLS ON THIRD READING RESUMED

And the bill:

S.172. To amend Section 36-22-16 of the Code of Alabama 1975, so as to provide for the compensation of the sheriffs of the several counties in this state.

Was taken up.

AMENDMENT OFFERED

Rep. Laird offered the following amendment to the bill, S. 172:

Amend S. B. 172 on page 1, line 26 by striking the word "The" and inserting in lieu thereof the following:

"Upon approval by resolution of the county commission of the county served, and advertising 4 weeks in a local newspaper, the"

MOTION TO TABLE LOST

The motion offered by Rep. Higginbotham to table the amendment offered by Rep. Laird to the bill, S. 172, was lost.

Yeas 21; Nays 40.

Yeas:

Reps. Adams, Beers, Blake, Bugg, Carter, Drake, Ford, Haynes, Higginbotham, Hogan, Johnson (RG), Junkins, Mathis, Payne, Petelos, Slaughter, Thomas, Turnham, Warren, White (G) and White (L).

—21

Nays:

Reps. Beasley, Blakeney, Box, Breedlove, Bryant, Carothers, Coburn, Crow, Curry, Dillard, Flowers, Frazier, Fuller, Goodwin, Grayson, Grouby, Hamilton, Harvey, Holley, Knight, Laird, Layson, Lindsey, Logan, Marks, McKee,

McMillan, Melton, Mikell, Moon, Newman, Rains, Richardson, Seibels, Starkey, Venable, White (F), Williams, Willis and Wright.

—40

SUBSTITUTE AMENDMENT OFFERED

Rep. White (F) offered the following substitute amendment to the amendment offered by Rep. Laird to the bill, S. 172:

Amend S. B. 172, Page 1, Line 26, after the word "The and inserting in lieu thereof by adding the following:

upon approval by resolution of the county commission,

SUBSTITUTE AMENDMENT TABLED

On motion of Rep. Laird, the substitute amendment offered by Rep. White (F), was tabled.

Yeas 50; Nays 26.

Yeas:

Reps. Adams, Beasley, Blakeney, Bowling, Box, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Carothers, Coburn, Cosby, Crow, Curry, Dillard, Faulk, Frazier, Freeman, Fuller, Goodwin, Grayson, Grouby, Hall, Hamilton, Harvey, Haynes, Hettinger, Hill, Hogan, Holley, Hooper, Johnson (RG), Laird, Layson, Marks, Mathis, McClain, McDowell, McKee, Mikell, Newman, Petelos, Poole, Richardson, Seibels, Starkey, Venable and Wright.

—50

Nays:

Mr. Speaker, Beers, Biddle, Blake, Carter, Drake, Gaston, Hammett, Higginbotham, Junkins, Knight, McMillan, Moon, Parker, Payne, Penry, Rains, Reed, Rogers, Thomas, Turnham, Warren, White (F), White (L), Williams and Zoghby.

—26

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Laird to the bill, S. 172, and the amendment was adopted.

Yeas 44; Nays 35.

Yeas:

Reps. Beasley, Bowling, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JL), Butler, Carothers, Coburn, Cosby, Crow, Curry, Dillard, Faulk, Frazier, Freeman, Fuller, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Hettinger, Holley, Knight, Laird, Lindsey, Logan, Marks, McKee, Mikell, Newman, Penry, Rains, Richardson, Seibels, Starkey, Venable, White (F), Willis and Wright.

—44

Nays:

Mr. Speaker, Adams, Beers, Biddle, Blake, Blakeney, Carter, Drake, Ford, Gaston, Harvey, Haynes, Higginbotham, Hill, Hogan, Hooper, Johnson (RG),

Junkins, Kennedy, Kvalheim, Mathis, McMillan, Moon, Parker, Payne, Petelos, Reed, Rogers, Thomas, Turnham, Warren, White (G), White (L), Williams and Zoghby.

—35

AMENDMENT OFFERED

Rep. Penry offered the following amendment to the bill, S. 172 as amended:

On page 1, line 27, after the number "~~\$35,000.00~~" delete the number \$50,000.00, and add the following:

\$40,000.00 with the approval of county commissioners,

On page 1, line 30, after the "period" add the following:

This act shall not affect any county with a population of less than 20,000.

AMENDMENT TABLED

On motion of Rep. Higginbotham, the amendment offered by Rep. Penry to the bill, S. 172 as amended, was tabled.

Yeas 38; Nays 35.

Yeas:

Mr. Speaker, Beers, Biddle, Blake, Carter, Cosby, Drake, Ford, Frazier, Gaston, Gray, Harper, Haynes, Hettinger, Higginbotham, Hill, Hooper, Johnson (RG), Junkins, Kennedy, Logan, Marietta, Marks, Mathis, Moon, Newman, Parker, Payne, Petelos, Reed, Rogers, Slaughter, Turnham, Warren, White (F), White (L), Williams and Wright.

—38

Nays:

Reps. Beasley, Blakeney, Bowling, Breedlove, Britnell, Brooks, Bryant, Burke, Butler, Carothers, Coburn, Curry, Dillard, Faulk, Fuller, Goodwin, Grouby, Hall, Hamilton, Harvey, Holley, Knight, Laird, Layson, Lindsey, McKee, McMillan, Mikell, Penry, Poole, Rains, Richardson, Seibels, Starkey and Venable.

—35

AMENDMENT OFFERED

Rep. Penry offered the following amendment #2 to the bill, H. 172 as amended:

On page 1, line 27, after the number "~~\$35,000.00~~" delete the number \$50,000.00, and add the following:

\$42,500.00

On page 1, line 30, after the "period" add the following:

This act shall not affect any county with a population of less than 20,000.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 41; Nays 30.

Yeas:

Mr. Speaker, Beasley, Black, Blake, Bowling, Breedlove, Bryant, Burke, Buskey (JL), Butler, Coburn, Cosby, Curry, Dillard, Faulk, Frazier, Fuller, Goodwin, Grouby, Hall, Hamilton, Hill, Holley, Knight, Laird, Layson, Lindsey, McClain, McDowell, McKee, McMillan, Melton, Mikell, Newman, Penry, Poole, Rains, Richardson, Seibels, Starkey and Venable.

—41

Nays:

Reps. Adams, Beers, Biddle, Brooks, Drake, Freeman, Gaston, Hammett, Haynes, Hettinger, Higginbotham, Hogan, Johnson (RG), Kvalheim, Marks, Mathis, Moon, Parker, Payne, Reed, Rogers, Slaughter, Thomas, Turnham, Warren, White (F), White (G), White (L), Williams and Wright.

—30

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 36. To make an appropriation from the State General Fund and the Alabama Special Educational Trust Fund for the fiscal year 1988-89 for the use of a sickle cell education program.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 333. To propose an amendment to the Constitution of Alabama of 1901, as amended, so that notwithstanding existing provisions thereof the governing body of the City of Huntsville in Madison County shall have the

authority to make a one-time appropriation of money, up to a maximum total appropriation of \$2,000,000.00, to one or more bona fide nonprofit organizations, which at the time of such appropriation has been organized for the purpose of fostering and coordinating volunteer activity in the field of the literary, visual, or performing arts, which said appropriation is to be used exclusively for construction of one or more buildings located within said city and owned by such organization; to provide that the City of Huntsville shall also have the authority to provide up to \$100,000.00 annually for certain operational expenses and maintenance of buildings; to provide that the provisions of such amendment, if adopted, shall be self-executing; and to provide for referendum.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 308. Relating to Perry County; authorizing the county commission to levy a one percent (1%) sales and use tax, a three cent (\$0.03) tobacco tax, and a two cent (\$0.02) gasoline tax, providing for the distribution of said taxes and for penalties in violation of this act.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 34. To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September

30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators Rice, Hilliard, and Dial.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 147. CONGRATULATING CHRISTY LYNN McMICHAEL OF PRATTVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 148. MOURNING THE DEATH OF WILLIAM HOLLIE MONCRIEF OF PRATTVILLE, ALABAMA.

Also:

H. J. R. 149. COMMENDING SHELBY COUNTY'S ELVIN HILL ELEMENTARY SCHOOL.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 137. To provide for the method of filing applications for allocations of a portion of the "State Ceiling" applicable to tax-exempt bonds; to establish expiration and reversion dates for allocation of "State Ceiling" and conditions subsequent to such allocations; to allocate the entire "State Ceiling" to the State, subject to redistribution by the State Industrial Development Authority; to reserve certain portions of the "State Ceiling" for the use and benefit of Alabama Housing Finance Authority and Alabama Higher Education Loan Corporation; to provide for the allocation of portions of the "State Ceiling" to issuers of small issue bonds for manufacturing facilities and for exempt facility bonds and for the allocation of a portion of the "State Ceiling" at the discretion of the State Industrial Development Authority; to provide a procedure for carryforward allocations; to establish an effective date; to authorize the State Industrial Development Authority to adopt rules and regulations governing the making of allocations; to designate the president of the State Industrial Development Authority as the State official authorized to make certain certifications required under the Internal Revenue Code of 1986, as amended; and to impose a duty of fairness and impartiality in the administration of the allocation program.

McDOWELL LEE,
Secretary.

RECESS

On motion of Rep. Warren, the House recessed until 8:00 o'clock p.m.

HOUSE RECONVENED

The hour of 8:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

S. 172 RESUMED

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Hall to indefinitely postpone the bill, S. 172 as amended, was lost.

Yeas 32; Nays 34.

Yeas:

Reps. Beasley, Breedlove, Britnell, Bryant, Buskey (JL), Butler, Carothers, Coburn, Crow, Curry, Dillard, Fuller, Grayson, Grouby, Hall, Hamilton, Harper, Holley, Holmes, Knight, Laird, Layson, Lindsey, Logan, Marks, McKee, Mikell, Richardson, Seibels, Starkey, Venable and White (F).

—32

Nays:

Mr. Speaker, Biddle, Blake, Bowling, Burke, Campbell, Carter, Cosby, Drake, Ford, Gaston, Harvey, Higginbotham, Hogan, Junkins, Kvalheim, Marietta, Mathis, McClain, Moon, Parker, Payne, Petelos, Rains, Reed, Slaughter, Spratt, Thomas, Turner, Turnham, Warren, White (L), Williams and Zoghby.

—34

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 137. To provide for the method of filing applications for allocations of a portion of the "State Ceiling" applicable to tax-exempt bonds; to establish expiration and reversion dates for allocation of "State Ceiling" and conditions subsequent to such allocations; to allocate the entire "State Ceiling" to the State, subject to redistribution by the State Industrial Development Authority; to reserve certain portions of the "State Ceiling" for the use and benefit of Alabama Housing Finance Authority and Alabama Higher Education Loan Corporation; to provide for the allocation of portions of the "State Ceiling" to issuers of small issue bonds for manufacturing facilities and for exempt facility bonds and for the allocation of a portion of the "State Ceiling" at the discretion of the State Industrial Development Authority; to provide a procedure for carryforward allocations; to establish an effective date; to authorize the State Industrial Development Authority to adopt rules and regulations governing the making of allocations; to designate the president of the State Industrial Development Authority as the State official authorized to make certain certifications required under the Internal Revenue Code of

1986, as amended; and to impose a duty of fairness and impartiality in the administration of the allocation program.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 147. CONGRATULATING CHRISTY LYNN McMICHAEL OF PRATTVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 148. MOURNING THE DEATH OF WILLIAM HOLLIE MONCRIEF OF PRATTVILLE, ALABAMA.

Also:

H. J. R. 149. COMMENDING SHELBY COUNTY'S ELVIN HILL ELEMENTARY SCHOOL.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

S. 172 RESUMED

And the bill, S. 172 as amended, was read a third time at length and lost.

Yeas 37; Nays 39.

Yeas:

Mr. Speaker, Adams, Biddle, Blake, Bowling, Bugg, Burke, Campbell, Carter, Cosby, Drake, Ford, Gaston, Hammett, Harvey, Higginbotham, Hogan,

Johnson (RG), Junkins, Kvalheim, Marietta, Mathis, Moon, Payne, Rains, Reed, Rogers, Slaughter, Spratt, Thomas, Turner, Turnham, Warren, White (G), White (L), Williams and Zoghby.

—37

Nays:

Reps. Beasley, Box, Breedlove, Britnell, Bryant, Buskey (JL), Butler, Carothers, Coburn, Crow, Curry, Dillard, Fuller, Goodwin, Grayson, Grouby, Hall, Hamilton, Harper, Holley, Holmes, Knight, Laird, Layson, Lindsey, Logan, Marks, McKee, McMillan, Mikell, Newman, Parker, Penry, Richardson, Seibels, Starkey, Venable, Walker and Willis.

—39

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 6. Relating to elections; to define the meaning of terms used in this act; to provide for the designation and organization of a principal campaign committee by each candidate for election to state or local office; to designate the Secretary of State and the Judge of Probate as the recipients of reports and statements required to be filed by this act; to provide for the registration of political committees, including the principal campaign committee of each candidate; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to delineate the duties of the Secretary of State and Judge of Probate; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising; to prohibit the intimidation of voters, certain expenditures to influence voting, the publication or distribution of certain political statements, contributions in the name of another, fraudulent misrepresentations of campaign authority, and coercion of contributions; to provide penalties for the violation of the provisions of this act; to require that certificates of election be withheld under certain circumstances; and to repeal chapter 22 of Title 17 of the Code of Alabama 1975.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Campbell, the House non-concurred in the Senate amendment to the bill, H. 6, said Senate amendment being as follows:

Amend H. B. 6 as follows:

On page 17, line 9, between the period and the word "No" insert the following:

Venue for cases involving violations of this act shall be in the county in which the alleged violator resides.

Amend H. B. 6 as follows:

On page 2, line 19, delete the language “; or” and insert in lieu thereof:

or in the case of an independent seeking ballot access, on the date when he or she files a petition with the probate judge in the case of county offices or the secretary of state in all other cases; or

Amend H. B. 6 as follows:

In section 15, page 15, line 20, after the period insert the following additional language:

Provided, however, political parties, committees or other political organizations are hereby prohibited from requiring that any candidate file the identical information required to be reported pursuant to this act or any additional information other than a copy of the report required in this bill.

Amend H. B. 6 on Page 4, by inserting the following paragraph after Line 25 and before Line 26:

“6. The value or cost of polling data and voter preference data and information if provided to a candidate or political committee, unless such information was compiled with the advance knowledge of and approval of the candidate.”

Further amend H. B. 6 on Page 6, Line 26, by deleting the word “or” after the word “group” and inserting in lieu thereof the word “of”.

Further amend H. B. 6 on Page 6, Line 30, by adding the following new language after the word “committee.”

“For the purposes of this Act an individual who makes a personal political contribution (other than a candidate who makes a contribution to himself), shall not be considered a political committee.”

Amend House Bill No. 6, Page 14, Line 21, by striking out after the word “to” the words “prescribe and promulgate”, and inserting in lieu of, the word “furnish”

On page 2 on line 8 after the language “Code of Alabama 1975”, insert:
and to provide certain retroactive effect

On page 17, delete lines 29, 30 and 31 in their entirety and insert in lieu thereof:

reporting requirements provided for in this act shall apply retroactively to January 1, 1988.

On page 16, line 12, after the period, insert the following language:

It shall be unlawful for any political party pac or individual to use any information required to be filed under the provisions of this act for the purpose of campaign solicitations or to use said information for any purpose whatsoever without the written consent of the person or persons required to file said information.

Amend House Bill No. 6, Page 17, Line 6, by inserting a period after the word “act” and deleting all words thereafter on lines 6, 7, 8 and the first four (4) words on line 9.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Cosby, Crow, Curry, Davis, Dillard, Drake, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—96

On motion of Rep. Campbell, a Committee on Conference was granted on the disagreement of the two Houses on the Senate amendment to the bill, H. 6.

The Speaker of the House named as the Committee on Conference on the part of the House of Reps. Campbell, Fuller and Holley.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S. J. R. 62. COMMENDING JOHN L. VARNADO FOR OUTSTANDING COMMUNITY, CIVIC AND FRATERNAL INVOLVEMENT.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the above and foregoing Message from the Senate.

MOTION TO RECONSIDER TABLED

Having voted on the prevailing side, Rep. Bryant offered the motion to reconsider the vote by which the bill, S. 172 as amended, was lost, and to table the motion to reconsider, and the motion to table was adopted.

Yeas 38; Nays 34.

Yeas:

Reps. Beasley, Beers, Black, Box, Breedlove, Brooks, Bryant, Buskey (JL), Butler, Carothers, Crow, Dillard, Frazier, Freeman, Fuller, Grayson, Grouby, Hall, Headley, Hogan, Holley, Holmes, Laird, Lindsey, Logan, McClain,

McKee, Mikell, Newman, Perdue, Poole, Richardson, Seibels, Slaughter, Spratt, Venable, Willis and Wright.

—38

Nays:

Mr. Speaker, Biddle, Blake, Bowling, Britnell, Carter, Cosby, Curry, Drake, Ford, Gaston, Hamilton, Harper, Harvey, Haynes, Higginbotham, Hooper, Johnson (RG), Junkins, Knight, Layson, Marks, Mathis, Moon, Parker, Payne, Petelos, Rains, Reed, Turnham, Warren, White (G), Williams and Zoghby.

—34

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 61. RECOGNIZING THE EXEMPLARY PUBLIC SERVICE OF JOE W. DAVIS TO THE CITY OF HUNTSVILLE AND TO THE STATE OF ALABAMA.

Also:

S. J. R. 64. NAMING THE ALABAMA FORESTRY COMMISSION DISTRICT FOUR BUILDING THE ERNIE MOORE BUILDING.

Also:

S. J. R. 66. MOURNING THE DEATH OF WALKER BYRD SORRELL OF MONTGOMERY, ALABAMA.

Also:

S. J. R. 74. MOURNING THE DEATH OF BEULAH MAE DONALD OF MOBILE, ALABAMA.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 7. Relating to Madison County, providing a certain county supplement to the salary of each supernumerary circuit clerk in the Twenty-third Judicial Circuit payable from the county treasury.

Also:

S. 62. To amend Section 14-1-14 of the Code of Alabama 1975, increasing the Corrections revolving fund to \$40,000.00.

Also:

S. 94. To amend section 36-21-9 of the Code of Alabama 1975, which provides for a card authorizing an honorably retired law enforcement officer to carry a handgun so as to change the issuance of the card from an annual to a permanent basis.

Also:

S. 145. To make an appropriation for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

S. 150. To amend sections 16-33B-1, 16-33B-3 and 16-33B-4, Code of Alabama 1975, relating to the Alabama guaranteed student loan program, so as to define approved lender, student loan, Federal Student Loan Law and eligible institution; to provide program administration in accordance with the Federal Student Loan Law; to provide for basic powers and duties of the Alabama Commission on Higher Education in accordance with the Federal Student Loan Law; to promote the availability of the Alabama guaranteed student loan program; and to service loans.

Also:

S. 185. To make an appropriation from the Alabama Special Educational Trust Fund in the amount of \$400,000 to the Children's and Women's Hospital for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

S. 24 AGAIN TAKEN UP

And the bill, S. 24 as amended, and temporarily carried over was again taken up.

AMENDMENT OFFERED

Rep. Holley offered the following amendment to the bill, S. 24 as amended:

Amend Senate Bill 24 as substituted on Page 2, line 32, following the word "projects." by inserting the following words Further it is the intent of

the legislature that community water systems shall not be required to participate in programs authorized by this act.

Further amend Senate Bill 24 as substituted on Page 9, line 11, by inserting the word only between the word “repay” and the word “the”.

Further amend Senate Bill 24 as substituted on Page 11 by striking the language beginning with the word “Provided” on line 27 and ending with the word “agreement.” on line 32.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Carter, Cosby, Crow, Curry, Davis, Dillard, Drake, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Hettinger, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Junkins, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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AMENDMENT OFFERED

Rep. Holley offered the following amendment #2 to the bill, S. 24 as amended:

Amend S. B. 24 as substituted, on page 9, line 31, after the semi-colon by adding the following language:

provided, however, that all members of said community water system shall be notified of the proposed contract with the authority, specifically stating the obligations and pledge of revenue and other terms and conditions of said contract, and provided further that a formal meeting of the community water system be held and a vote be taken prior to the final agreement with the authority being made;

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Carter, Cosby, Crow, Curry, Davis, Dillard, Drake, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Hettinger, Hill, Hogan, Holley, Holmes, Hooper,

Johnson (RG), Junkins, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—91

And the bill, S. 24 as thus amended, was read a third time at length and passed.

Yeas 92; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Carter, Cosby, Crow, Curry, Davis, Dillard, Drake, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 319. To provide for the levy of a six percent (6%) sales tax surcharge on the sale of certain spirituous or fermented alcoholic beverages, excluding beer or other malt beverages and wines, which are sold for on-premises consumption, to be paid on a per drink basis by all clubs, bars, or other establishments which serve the aforementioned beverages; that the provisions of this act shall be administered by the department of revenue; that the commissioner of revenue shall have the authority to promulgate necessary rules and regulations for the administration and enforcement of the provisions of this act; that revenues generated by said tax shall be placed in the state's general fund.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Harper, the House concurred in and adopted the Senate amendment to the bill, H. 319, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To amend Section 28-3-203, Code of Alabama 1975, by increasing the tax levied upon the selling price of all spirituous or vinous liquors sold by

the Alabama Alcoholic Beverage Control Board from 5% to 13%, and to pledge and appropriate a portion of the receipts collected under this Act to provide for payment of the principal on, premium, if any, and interest on, all bonds issued by the Alabama Mental Health Finance Authority, as authorized by Act 88-475, to the extent necessary for such purpose; to provide for the distribution of the remaining proceeds of such revenues.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 28-3-203, Code of Alabama 1975, is hereby amended as follows:

“§ 28-3-203.

“(a) Repealed by Acts 1986, No. 86-212, §3.

“(b) Levy and collection.—In addition to all other taxes of every kind now imposed by law and in addition to any marked-up price authorized or required by law, there is hereby levied and shall be collected a tax at the rate of ~~five~~ thirteen percent upon the selling price of all spirituous or vinous liquors sold by the board. The tax imposed by this subsection shall be collected by the board from the purchaser at the time the purchase price is paid.

The markup as currently established by the board on spirituous or vinous liquors shall not be reduced by the board for the purpose of absorbing the tax levied by this subsection, it being the intention of this provision that the said tax shall be passed on to the purchaser.

“(c) Disposition of proceeds.—

(1) All 38.5% of the revenues collected under the provisions of subsection (b) of this section shall be paid into the state treasury to the credit of the general fund.

(2) 61.5% of the revenues collected under the provisions of subsection (b) of this section are hereby irrevocably pledged and hereby appropriated for the purposes of providing for payment of the principal of, premium, if any, and interest on, all bonds issued by the Alabama Mental Health Finance Authority, as authorized by Act 88-475, in the amount that may be necessary for such purposes to the extent and only to the extent that the revenues appropriated for such purposes under Act 88-476 are not sufficient to pay at their respective maturities the principal of, premium, if any, and interest on such bonds.

“(d) Any portion of the aforesaid 61.5% of the revenues pledged and appropriated in subsection (c) (2), above, not needed in any fiscal year shall be deposited in the state treasury to the credit of the State General Fund.”

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This act shall become effective October 1, 1988.

Yeas 72; Nays 12.

Yeas:

Mr. Speaker, Adams, Biddle, Blake, Bowling, Breedlove, Britnell, Bugg, Burke, Buskey (JL), Butler, Carothers, Carter, Cosby, Davis, Dillard, Drake, Faulk,

Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Grayson, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Penry, Perdue, Petelos, Poole, Rains, Reed, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (L), Williams and Wright.

—72

Nays:

Reps. Beers, Brooks, Hettinger, Higginbotham, Junkins, Marietta, McDowell, Payne, Rogers, Seibels, White (G) and Zoghby.

—12

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 18. To amend Sections 40-23-2, 40-23-61, 40-23-101 and 40-23-102, Code of Alabama 1975, which levy sales and use taxes on automotive vehicles, truck trailers, semitrailers, and house trailers, so as to increase the levy from 1 1/2% to 2% and amends Sections 40-23-35 and 40-23-108 to distribute the additional funds generated to the state general fund.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Turner, the House non-concurred in the Senate amendment to the bill, H. 18, said Senate amendment being as follows:

Amend House Bill 18 on Page 4, line 21, by adding after the word automobiles the following: "motorcycles,"

Further amend House Bill 18 on Page 4, line 26, by deleting the following "motorcycles,"

Yeas 76; Nays 10.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Bugg, Buskey (JL), Butler, Carothers, Carter, Cosby, Crow, Curry, Dillard, Drake, Faulk, Flowers, Frazier, Freeman, Fuller, Gaston, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Lindsey, Logan, Marietta, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Payne, Penry, Petelos, Reed, Richardson, Seibels, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), Williams, Willis, Wright and Zoghby.

—76

Nays:

Reps. Brooks, Burke, Ford, Hettinger, Holmes, Junkins, Laird, Parker, Poole and White (L).

—10

On motion of Rep. Turner, a Committee on Conference was granted on the disagreement of the two Houses on the Senate amendment to the bill, H. 18.

RESOLUTIONS

The following resolution was introduced:

By Rep. Turner:

H. J. R. 196. COMMENDING CHAMPION INTERNATIONAL PAPER CORPORATION FOR OUTSTANDING CONTRIBUTIONS TO THE CITRONELLE COMMUNITY.

WHEREAS, Champion International Paper Corporation in Citronelle, Alabama, employs some 160 to 180 area citizens, 110 of whom are employed directly by the mill, thereby greatly contributing to the community's economy; and

WHEREAS, in addition to benefitting the economy, Champion International also has been notably generous in its support of numerous community programs, including the Citronelle Rescue Squad and Volunteer Fire Department, youth football and baseball, Special Olympics, Scouting, the annual Christmas parade, the FFA and Junior Achievement programs, and many others; and

WHEREAS, Champion International, however, has most particularly supported the local schools through donations for the purchase of various supplies, as well as a substantial sum for a computer system at Citronelle Middle School and \$35,000 to provide air conditioning for Citronelle High and Middle Schools; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in sincere appreciation and praise of outstanding contributions to the community, we hereby most highly commend the Champion International Paper Corporation of Citronelle, Alabama, and do further direct that a copy of this resolution be presented to Plant Manager, Mr. Larry M. Jordan.

On motion of Rep. Turner, the rules were suspended and the resolution, H. J. R. 196, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Turner:

H. R. 197. COMMENDING CHAMPION INTERNATIONAL PAPER CORPORATION FOR OUTSTANDING CONTRIBUTIONS TO THE CITRONELLE COMMUNITY.

S. 199 AGAIN TAKEN UP

And the bill, S. 199, and the pending amendment, which previously were temporarily carried over, were again taken up.

SUBSTITUTE AMENDMENT OFFERED

Rep. Hettinger offered the following substitute amendment to the amendment offered by him to the bill, S. 199:

Amend Senate Bill 199 on page 1, Section 1, by striking therefrom lines 28 through 32 in their entirety and inserting in lieu thereof the following:

October 1, 1987 for the fiscal year ending September 30, 1988. A sum equivalent to seven million dollars (\$7,000,000) is hereby appropriated into Fund No. 305735 from the State General Fund to be paid in quarterly allotments beginning October 1, 1989 for the fiscal year ending September 30, 1990.

SUBSTITUTE AMENDMENT ADOPTED

And the substitute amendment was adopted.

Yeas 84; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Carothers, Carter, Curry, Davis, Dillard, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Rains, Richardson, Rogers, Seibels, Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White (F), White (G), White (L) and Wright.

—84

Nay: Rep. Cosby.

—1

And the bill, S. 199 as thus amended, was read a third time at length and passed.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Coburn, Cosby, Crow, Curry, Davis, Dillard, Faulk, Frazier, Fuller, Gaston, Grayson, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue,

Petelos, Poole, Rains, Rogers, Seibels, Spratt, Starkey, Thomas, Turnham, Venable, Walker, White (F), White (G), White (L), Willis and Zoghby.

—76

RESOLUTION

The following resolution was introduced:

By Rep. Harper:

H. J. R. 198. REQUESTING THE HOUSE WAYS AND MEANS COMMITTEE AND THE SENATE FINANCE AND TAXATION COMMITTEE TO HOLD PUBLIC HEARINGS RELATING TO TAX REFORM.

WHEREAS, the Legislature of Alabama wishes to commend Governor Guy Hunt for his efforts to make the members of the Legislature and the general public aware of the critical need for increasing revenues in the state; and

WHEREAS, the Legislature is cognizant of the aforementioned situation and urge that the overall tax system in Alabama be revised; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge that the House of Representatives Ways and Means Committee and the Senate Finance and Taxation Committee hold public hearings no later than 90 days prior to the convening of the 1989 Regular Session on the general subject of comprehensive tax reform, including, but not limited to ad valorem taxes, sales and use taxes, pari-mutuel taxes, income taxes, insurance premium taxes and oil and gas severance taxes.

On motion of Rep. Harper, the rules were suspended and the resolution, H. J. R. 198, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Haynes, the rules were suspended in order to take up out of order the bill, S. 98.

MOTION TO ADJOURN LOST

The motion offered by Rep. Grayson that the House adjourn until 9:30 o'clock A.M., was lost.

Yeas 36; Nays 37.

Yeas:

Reps. Black, Blake, Brooks, Buskey (JL), Butler, Carter, Crow, Curry, Dillard, Gray, Grayson, Hall, Hamilton, Hammett, Harper, Headley, Hettinger, Higginbotham, Holmes, Junkins, Laird, Layson, Marks, McClain, McDowell, McKee, Mikell, Newman, Rains, Reed, Rogers, Seibels, Turner, White (F), White (L) and Williams.

—36

Nays:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Box, Breedlove, Bugg, Burke, Campbell, Cosby, Faulk, Gaston, Harvey, Hill, Hogan, Holley, Hooper,

Johnson (RW), Knight, Kvalheim, Lindsey, Marietta, McMillan, Moon, Payne, Penry, Petelos, Richardson, Slaughter, Spratt, Turnham, Venable, Warren, White (G), Wright and Zoghby.

—37

S. 98 RESUMED

And the bill:

S. 98. To amend Section 5-19-4, Code of Alabama 1975, relating to consumer finance, so as to require actuarial method of computation on consumer loans and consumer credit sales with an original term of more than 61 months and to clarify method of refund in all other cases.

Was read a third time at length and passed.

Yeas 66; Nays 3.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Buskey (JL), Butler, Carothers, Carter, Crow, Curry, Davis, Faulk, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Hall, Hamilton, Hammett, Haynes, Hettinger, Hill, Hogan, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, Mikell, Moon, Newman, Payne, Perdue, Petelos, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Walker, White (G), White (L), Willis, Wright and Zoghby.

—66

Nays: Reps. Grayson, Holley and Holmes.

—3

COMMITTEE APPOINTED

The Speaker of the House appointed as a Committee on Conference on the part of the House to the bill, H. 18, Reps. Harper, Turner, and Coburn.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Harvey, the rules were suspended in order to take up out of order the bill, S. 48.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 7:08 P.M. on September 15, 1988.

H. 234

Delivered to the Governor at 2:15 P.M. on September 20, 1988.

H. 222

H. 132

FIRST EXTRAORDINARY SESSION
11th Day

875

Delivered to the Secretary of State at 4:40 P.M. on September 20, 1988.

H. 297 (CONSTITUTIONAL AMENDMENT)

Delivered to the Governor at 4:40 P.M. on September 20, 1988.

H. 75 H. 177

H. 190 H. 196

H. 191 H. 197

H. 192 H. 229

H. 195 H. 301

H. 291 H. 311

Delivered to the Secretary of State at 4:41 P.M. on September 20, 1988.

H. 178 (GOVERNOR'S OBJECTION TO THE CONTRARY WITH-
STANDING)

Delivered to the Governor at 5:50 P.M. on September 20, 1988.

H. 36

H. 308

Delivered to the Governor at 8:45 P.M. on September 20, 1988.

H. 137

H. J. R. 147

H. J. R. 148

H. J. R. 149

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Curry, the House adjourned until 9:30 o'clock a.m.,
Thursday, September 22, 1988.

TWELFTH DAY

House of Representatives
Montgomery, Alabama
Thursday, September 22, 1988

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Julian Tally, Pastor,
First Independent Methodist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Lucy Vincent and Adam Hopper.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—105

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eleventh legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the eleventh legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the eleventh legislative day was approved.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bill mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Secretary of State at 8:35 A.M. on September 21, 1988.

H. 333 (CONSTITUTIONAL AMENDMENT)

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

The following resolution was introduced:

By Reps. Cosby and Harper:

H. J. R. 199. REQUESTING THE HOUSE WAYS AND MEANS COMMITTEE, THE SENATE FINANCE AND TAXATION COMMITTEE AND THE CONTINUING JOINT INTERIM COMMITTEE ON TAX STRUCTURE TO HOLD PUBLIC HEARINGS RELATING TO TAX REFORM.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge that the House of Representatives Ways and Means Committee, the Senate Finance and Taxation Committee and the Continuing Joint Interim Committee on Tax Structure hold public hearings no later than 90 days prior to the convening of the 1989 Regular Session on the general subject of comprehensive tax reform, including, but not limited to ad valorem taxes, sales and use taxes, pari-mutuel taxes, income taxes, insurance premium taxes and oil and gas severance taxes. The committees shall also study and make recommendations concerning:

1. The methodology by which budgets are formulated in the Alabama Legislature and revenue forecasts are made.
2. The spending patterns that have evolved in state government over the past decade and any recommendations deemed appropriate for the future.
3. A comprehensive review of the tax system in Alabama including any recommendations for tax simplification, fairness and revenue needs for the future.
4. A comprehensive review of the overall operation of state government, designed to make recommendations to eliminate any waste, inefficiencies and mismanagements that might exist in any agency or department.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 199, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 6. Relating to elections; to define the meaning of terms used in this act; to provide for the designation and organization of a principal campaign committee by each candidate for election to state or local office; to designate the Secretary of State and the Judge of Probate as the recipients of reports and statements required to be filed by this act; to provide for the registration of political committees, including the principal campaign committee of each candidate; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to delineate the duties of the Secretary of State and Judge of Probate; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising; to prohibit the intimidation of voters, certain expenditures to

influence voting, the publication or distribution of certain political statements, contributions in the name of another, fraudulent misrepresentations of campaign authority, and coercion of contributions; to provide penalties for the violation of the provisions of this act; to require that certificates of election be withheld under certain circumstances; and to repeal chapter 22 of Title 17 of the Code of Alabama 1975.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators Drinkard, Bennett, and deGraffenried.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 201. To amend Act 88-475, as amended, 1988 Regular Session, which act creates the Alabama Mental Health Finance Authority and provides for mental health projects of the Authority, and financing of such projects; so as to authorize the Authority to enter into any necessary financial instruments or obligations with the Retirement Systems of Alabama in order to secure financing for the funding of projects of the Authority; to provide that such financing shall be payable solely from the taxes appropriated and pledged in Section 16 of Act 88-475, as amended; and to amend Section 16 of Act 88-475, as amended, so as to appropriate and pledge as additional security for bonds authorized pursuant to Act 88-475, as amended, all or a portion of the proceeds of the tax levied in House Bill 319 as approved by the Alabama Legislature in the First Special Session, 1988.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 132. To establish the "Alabama Hazardous Substance Cleanup Fund"; to provide that such fund shall be used for the cleanup and restoration of abandoned or inactive sites at which improper treatment, storage or disposal of hazardous substances has occurred; to plan and undertake the rehabilitation, removal and cleanup of hazardous substances deposited improperly at sites located within Alabama; to provide that this fund shall be used for sites not qualified for or unlikely to receive funding for cleanup from funds designated for cleanups under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. §9601 et seq.) and to provide state matching funds for cleanups under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980; to provide for penalties and recovery of cleanup costs; to provide that the fund shall be administered by the Alabama Department of Environmental

Management; and to direct the Alabama Department of Environmental Management to secure other funds whenever possible.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 319. To amend Section 28-3-203, Code of Alabama 1975, by increasing the tax levied upon the selling price of all spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board from 5% to 13%, and to pledge and appropriate a portion of the receipts collected under this Act to provide for payment of the principal on, premium, if any, and interest on, all bonds issued by the Alabama Mental Health Finance Authority, as authorized by Act 88-475, to the extent necessary for such purpose; to provide for the distribution of the remaining proceeds of such revenues.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Layson:

H. R. 200. COMMENDING THE JOHNNY MCDANIEL FAMILY OF PICKENS COUNTY, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

The following resolutions were introduced:

By Rep. Layson:

H. R. 201. AUTHORIZING THE CLERK OF THE HOUSE TO ISSUE CONGRATULATORY OR CONDOLENCE HOUSE RESOLUTIONS WHEN THE LEGISLATURE IS NOT IN SESSION.

WHEREAS, the House of Representatives members have a year-round need to congratulate, commend, and offer condolences to their constituents; and

WHEREAS, currently there is no procedure for issuing such house resolutions when the Legislature is not in session; and

WHEREAS, in order to better serve the members of the House, the Clerk of the House needs authorization to issue such resolutions when the Legislature is not in session; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we hereby authorize the Clerk of the House of Representatives to issue house resolutions offering congratulations, commendations and condolences, upon the petition or request of any House member, when the Legislature is not in session.

RESOLVED FURTHER, That the Clerk is further authorized to establish a procedure for issuing such resolutions and may formulate such forms and acquire such materials, personnel and equipment as are necessary to carry out the provisions of this resolution.

On motion of Rep. Layson, the rules were suspended and the resolution, H. R. 201, was adopted.

Also:

By Reps. Rogers and White (G):

H. J. R. 202. ESTABLISHING THE CONTINUING YOUTH GANG VIOLENCE COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Continuing Youth Gang Violence Commission for the purpose of addressing the existing problems and potential problems of youth gangs in and around the state. The commission shall be composed of eight citizens appointed by the Attorney General of the State of Alabama. Membership shall include representatives of agencies or organizations which provide services to the youth. The chairman of the commission shall be a member of the House of Representatives of the State of Alabama.

BE IT FURTHER RESOLVED, That the duty and function of the commission shall include, but not be limited, to reviewing state and federal laws relating to youth gang violence; proposing state legislation regarding gang violence issues for consideration by the Governor and the Legislature; proposing and implementing educational and prevention programs on gang violence; and supervising all state level initiatives and efforts to eliminate and further prevent youth gang violence.

RESOLVED FURTHER, That the commission shall meet at such time and places as designated by the chairman, who shall be responsible for its administrative and operational functioning and who is empowered to take all actions necessary to keep it functioning efficiently and effectively and shall have, in this regard, all rights and privileges accorded commissions under Alabama regulations and laws. All major programs and initiatives of the commission must be approved by a majority of the membership in actual attendance at the meeting in which such programs and initiatives are decided.

BE IT FURTHER RESOLVED, That the commission shall submit a report of its findings and recommendations by the fifteenth legislative day of the 1989 Regular Session and shall be dissolved.

On motion of Rep. Rogers, the rules were suspended and the resolution, H. J. R. 202, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. McMillan and Penry:

H. R. 203. COMMENDING THE OFFICIALS AND EMPLOYEES OF BAY MINETTE WATER SYSTEM FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Higginbotham:

H. R. 204. AUTHORIZING THE HOUSE JUDICIARY COMMITTEE TO MEET DURING THE PERIOD WHEN THE LEGISLATURE IS NOT IN SESSION.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, Upon the call of the Chairman, the standing House Judiciary Committee is hereby authorized to meet during the periods when the Legislature is not in session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses, for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$10,000.00.

The functions provided for in this resolution shall expire on the day the regular session begins in 1989.

On motion of Rep. Higginbotham, the rules were suspended and the resolution, H. R. 204, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Zoghby, the rules were suspended to permit introductions of resolutions later in the day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators deGraffenried, Cabaniss, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Campbell, Corbett, Covington, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J):

S. J. R. 76. MOURNING THE DEATH OF MARY HARRIETT MOON HAND OF HEFLIN, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Mary Harriett Moon Hand of Heflin, Alabama, on September 17, 1988, at the age of 78 years; and

WHEREAS, a native of Ranburne, Alabama, and a longtime resident of Heflin, Mrs. Hand was a member of the Heflin United Methodist Church, Heflin Garden Club and the Retired Teachers Association; and was supportive also of other civic and charitable endeavors in the Heflin community; and

WHEREAS, preceded in death by her husband, Joseph Noel Hand, Mrs. Hand is survived by a daughter, Mary Jo Boyd; sons, Billy J. Hand, Noel E. Hand and Perry A. Hand; and by 13 grandchildren and ten great grandchildren; and

WHEREAS, the death of Mary Harriett Moon Hand has indeed left a deep void in the life of her community and in the hearts of her family, neighbors and friends who knew and loved her as a warm and gracious lady of infinite care and concern for the happiness and well-being of others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mary Harriett Moon Hand of Heflin, Alabama, and extend our very deepest sympathy to all her family, for whom copies of this resolution shall be provided that they may know of our shared sorrow in their great and inconsolable loss.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Lindsey, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 76, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Rice, Dial, Preuit, Corbett, and Holmes:

S. J. R. 77. NAMING THE DUAL BRIDGES, SPANNING CHAT-TASOFKA CREEK ON THE U. S. 280 DADEVILLE BY-PASS, IN HONOR OF JESSIE DENSON MCGILL.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Higginbotham, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 77, the title of which is set out in the above and foregoing Message from the Senate.

BILLS ON THIRD READING

And the bill:

S. 215. Relating to Lamar County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and providing for the distribution of the proceeds therefrom.

Was read a third time at length and passed.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Blake, Box, Brooks, Bryant, Butler, Campbell, Carter, Crow, Dillard, Escott, Faulk, Ford, Freeman, Gaston, Hall, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Junkins, Knight, Kvalheim, Marks, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Penry, Perdue, Richardson, Seibels, Spratt, Williams, Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 216. Relating to Lamar County; levying a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975, and a special county excise tax paralleling the state use taxes levied on the storage or use of certain automotive vehicles provided for by section 40-23-102, Code of Alabama 1975; specifying the rates at which such taxes shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said taxes; and providing for enforcement of this act.

Was read a third time at length and passed.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Bowling, Box, Brooks, Bryant, Butler, Campbell, Carter, Clark (W), Curry, Dillard, Escott, Ford, Freeman, Gaston, Goodwin, Hall, Hammett, Headley, Hettinger, Higginbotham, Hill, Holley, Johnson (RG), Junkins, Knight, Kvalheim, Marks, McMillan, Mikell, Moon, Newman, Newton, Parker, Penry, Perdue, Poole, Richardson, Seibels, Spratt, White (G), Williams, Wright and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 54. (With Substitute): To authorize the Jefferson County Board of Health to designate services rendered by the health department under its control for which fees may be charged and to establish the appropriate fee for each service; to authorize the Jefferson County Board of Health to charge and collect fees for services designated pursuant to this act; to provide that all fees established and collected pursuant to this act shall be retained and used by the Jefferson County Board of Health; to provide that all fees established and collected pursuant to this act shall not replace, but shall supplement and be in addition to, any and all federal, state and local funds otherwise provided to the Jefferson County Board of Health; to provide conditions applicable to the establishment and modification of fees authorized pursuant to this act; to authorize the Jefferson County Board of Health to adopt and to alter rules and regulations for the implementation and administration of this act and to provide that fees charged pursuant to this act shall be established, modified and collected in accordance with such rules and regulations; to provide that fees for services shall not be charged to persons unable to pay and to provide for confidentiality in the determination of any person's ability to pay; and to repeal all laws or parts of laws in conflict with this act to the extent applicable to Jefferson County.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 2, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To authorize the Jefferson County Board of Health to designate services rendered by the health department under its control for which fees may be charged and to establish the appropriate fee for each service; to authorize the Jefferson County Board of Health to charge and collect fees for services designated pursuant to this act; to provide that all fees established and collected pursuant to this act shall be retained and used by the Jefferson County Board of Health; to provide that all fees established and collected pursuant to this act shall not replace, but shall supplement and be in addition to, any and all federal, state and local funds otherwise provided to the Jefferson County Board of Health; to provide conditions applicable to the establishment or increase of fees authorized pursuant to this act, including the requirement of a public hearing and the right of the Jefferson County Commission to disapprove the establishment or increase of any fee; to authorize the Jefferson County Board of Health to adopt and to alter rules and regulations for the implementation and administration of this act and to provide that fees charged pursuant to this act shall be established, modified and collected in accordance with such rules and regulations; to provide that fees for services shall not be charged to persons unable to pay and to provide for confidentiality in the determination of any person's ability to pay; and to repeal all laws or parts of laws in conflict with this act to the extent applicable to Jefferson County.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Jefferson County Board of Health is hereby authorized to designate services rendered by the health department under its control

for which fees may be charged and to establish the fees to be respectively charged for such services, subject to the disapproval of such fees by the Jefferson County Commission as provided in Section 3 of this act, which authority may be used or not used in accordance with the provisions of this act as and to the extent deemed necessary or desirable by said Board of Health. The services which may be designated pursuant to this act as services for which fees may be charged include, without limitation thereto, (i) inspection and certification services performed in connection with the administration and enforcement of public health and environmental laws and regulations, (ii) health care services provided through out-patient clinics, home health care or other service programs, (iii) the administration of tests to determine the incidence of disease in the population as a whole or among particular groups, (iv) the administration of vaccinations and inoculations against communicable diseases, and (v) the reproduction and certification of documents needed or requested by the public. Upon the designation of services and the establishment of fees therefor by the Jefferson County Board of Health in accordance with the provisions of this act, the said Board of Health is hereby authorized to charge and collect the fees so established for the services so designated. All fees established and collected pursuant to this act shall not replace, but shall supplement and be in addition to, any and all federal, state and local funds otherwise provided to the Jefferson County Board of Health.

Section 2. All fees established by the Jefferson County Board of Health pursuant to this act shall be reasonable and proportional to the costs of providing the services for which such fees shall be respectively charged, and in no event shall the fee charged for any service exceed the total cost of providing such service (including a reasonable allocation of the general administrative expenses of the Jefferson County Health Department). No fees for any services shall be initially established or subsequently increased by the Jefferson County Board of Health without a public hearing, and notice of such public hearing shall be published at least one time in a newspaper having general circulation in Jefferson County not more than four nor less than two weeks prior to the date of such public hearing. The published notice of such public hearing shall state the intention of the Jefferson County Board of Health to establish or increase fees for the services in question, shall give the date, time and place of the public hearing with respect thereto, and shall contain a description of such services together with a schedule of the fees to be charged therefor (including an identification of any increases to be made in fees theretofore established).

Section 3. Upon the adoption of a resolution by the Jefferson County Board of Health initially establishing or subsequently increasing any fees for any services, a certified copy of such resolution shall be promptly forwarded to the Jefferson County Commission. The Jefferson County Commission shall have thirty (30) calendar days after the receipt thereof during which it may adopt a resolution disapproving the establishment or increase of such fees, and any fee or increase thereof so disapproved shall not take effect. If the Jefferson County Commission takes no action with respect to the establishment or increase of any fee within thirty (30) days following receipt of the certified copy of the resolution of the Jefferson County Board of Health establishing or increasing such fee, then such fee or increase thereof shall take effect without the need for any action by the Jefferson County Commission and the Jefferson County Commission shall have no further power to disapprove such fee or to require its rescission or reduction. The disapproval of the establishment or increase of any fee by the Jefferson County Commission shall not preclude further action by the Jefferson County

Board of Health under this act to reestablish and resubmit to the Jefferson County Commission such previously disapproved fee or any revision thereof, without limitation as to number or resubmissions and on such schedule as the Jefferson County Board of Health shall deem desirable.

Section 4. The Jefferson County Board of Health is hereby authorized to adopt, and to alter from time to time, rules and regulations for the proper implementation and administration of this act that are not inconsistent with the express provisions hereof. Fees for services authorized by this act shall be established, modified and collected in accordance with such rules and regulations as from time to time put into effect by the Jefferson County Board of Health.

Section 5. No person shall be denied any service because that person (or if a minor, the parent or legal guardian of such person) is unable to pay the fee for such service established pursuant to this act. The determination of a person's ability to pay shall be made in confidence and under circumstances that will protect the dignity of the person receiving the service. Using any appropriate standards of ability to pay for health care provided by the United States Government or any agency thereof, the Jefferson County Board of Health may establish a sliding fee scale based on a person's ability to pay. Any provision of this act to the contrary notwithstanding, this act shall not be interpreted or applied to authorize any increase in the fees, if any, that any person may be required to pay for any examination, treatment, vaccination, inoculation or other health care service of any kind that, as of the effective date of this act, is being provided by the Jefferson County Board of Health if the income of such person or the family to which such person belongs is below the poverty level for residents of the State of Alabama determined from time to time by the United States Government or any agency thereof, unless such increase is required by federal or state law to comply with, or to gain additional benefit from, Medicaid or other governmental health care assistance programs; provided, however, that if the Jefferson County Board of Health incurs increases in the cost of drugs or pharmaceuticals that it sells through its pharmacy operations, and if such cost increases are not defrayed by additional funding from governmental or private sources, then the Jefferson County Board of Health may increase the selling price of such drugs or pharmaceuticals to all persons, regardless of income level, to such extent as may be necessary to recover such cost increases. In the event that the Jefferson County Board of Health has an opportunity to obtain funding from private or governmental sources for new or expanded health care services not being provided as of the effective date of this act, nothing contained in this act shall be interpreted or applied to prevent the Jefferson County Board of Health from charging such fees for such health care services as shall be required by such private or governmental funding sources, provided that the aggregate fees charged for such health care services, together with the funding provided by such private or governmental sources, shall not exceed the cost of providing such health care services.

Section 6. All fees established and collected pursuant to this act shall be retained by the Jefferson County Board of Health, and such fees are hereby appropriated to such Board of Health for use in carrying out its responsibilities to promote and maintain the health of the people of Jefferson County. Fees for services authorized by this act shall be collected and processed in accordance with recommendations made by the Department of Examiners of Public Account.

Section 7. This act shall not apply to or affect any fees otherwise authorized, established or collected under state or federal law or regulations. To the extent applicable to Jefferson County, all laws or parts of laws in conflict with this act are hereby repealed.

Section 8. The provisions of this act are expressly declared to be severable. If any provision of this act is adjudged to be invalid by any court of competent jurisdiction, such provision shall be severed from this act in order to effectuate the legislative intent that such judgment shall not affect, impair or invalidate the remainder of this act.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

And the substitute was adopted.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Box, Brooks, Bryant, Burke, Butler, Campbell, Carter, Clark (W), Curry, Dillard, Escott, Ford, Freeman, Gaston, Hall, Headley, Hettinger, Higginbotham, Hill, Holley, Johnson (RG), Knight, Kvalheim, Marks, McClain, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Poole, Slaughter, White (G), White (L), Williams, Willis, Wright and Zoghby.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 54 as thus amended, was read a third time at length and passed.

Yeas 39; Nays 2.

Yeas:

Mr. Speaker, Bowling, Box, Brooks, Bryant, Butler, Campbell, Carter, Clark (W), Curry, Dillard, Escott, Ford, Freeman, Gaston, Hall, Headley, Hettinger, Higginbotham, Johnson (RW), Kvalheim, Logan, Marks, McClain, McDowell, McMillan, Mikell, Moon, Newman, Newton, Perdue, Petelos, Poole, Richardson, Seibels, Slaughter, White (G), White (L) and Zoghby.

—39

Nays: Reps. Payne and Wright.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 59. Relating to Jefferson County; to continue the office of Assistant Sheriff, Bessemer Division: to prescribe the duties, responsibilities and term;

to provide for the appointment, qualifications and compensation of said office; to repeal all conflicting statutes; to provide for severability of the provisions of this act and to prescribe the effective date of such act.

Was read a third time at length and passed.

Yeas 40; Nays 2.

Yeas:

Mr. Speaker, Blakeney, Box, Britnell, Brooks, Bryant, Butler, Campbell, Carter, Clark (W), Curry, Davis, Dillard, Escott, Ford, Freeman, Gaston, Hall, Hamilton, Hettinger, Higginbotham, Johnson (RW), Kvalheim, Marks, McClain, Moon, Newman, Newton, Parker, Perdue, Petelos, Reed, Seibels, Spratt, Venable, White (G), White (L), Williams, Wright and Zoghby.

—40

Nays: Reps. Payne and Slaughter.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 61. Relating to Jefferson County; to prescribe for the compensation of the Chief Deputy Sheriff of Jefferson County and to provide for the payment thereof.

Was read a third time at length and passed.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Biddle, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Butler, Campbell, Carter, Clark (W), Curry, Dillard, Escott, Ford, Freeman, Gaston, Hall, Hamilton, Hettinger, Higginbotham, Hogan, Johnson (RW), Kvalheim, Marks, McClain, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Perdue, Petelos, Poole, Richardson, Seibels, Slaughter, Spratt, White (G), Wright and Zoghby.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 127. Relating to Jefferson County; to provide for the appointment of a Chief Deputy Tax Collector by the elected Jefferson County Assistant Tax Collector, Bessemer Division, and to provide for compensation, funding and qualifications of said Chief Deputy.

Was read a third time at length and passed.

Yeas 41; Nays 1.

Yeas:

Mr. Speaker, Biddle, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Butler, Campbell, Carter, Clark (W), Curry, Dillard, Ford, Freeman, Gaston, Hall, Hamilton, Hammett, Haynes, Hettinger, Higginbotham, Johnson (RG), Johnson (RW), Kvalheim, Logan, Marks, McClain, Mikell, Moon, Newman, Parker, Petelos, Richardson, Seibels, Starkey, White (L), Wright and Zoghby.

—41

Nay: Rep. Payne.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. White (G) to suspend the rules in order to take up out of order the bill, S. 90, was lost, lacking a four-fifths vote.

Yeas 10; Nays 4.

Yeas:

Reps. Biddle, Davis, Escott, McClain, McDowell, Payne, Slaughter, Spratt, White (G) and Wright.

—10

Nays: Reps. Gray, Perdue, Rogers and Seibels.

—4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 34. To make an appropriation of \$75,000 from the State General Fund to the Coosa-Alabama River Improvement Association for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendments to the following Senate Bills:

S. 199. To amend Act No. 87-761 of the 1987 Regular Legislative Session as it amended Section 4 of Act No. 86-645 1st Special Session, 1986, concerning the repayment of funds transferred from Fund No. 305735 by said Act.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 182. REPEALING ACT NO. 145, HJR 105, 1975 REGULAR SESSION, WHICH PETITIONED THE CONGRESS OF THE UNITED STATES TO CONVENE A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION WHICH WOULD PROHIBIT DEFICIT SPENDING BY THE U. S. GOVERNMENT, EXCEPT IN TIMES OF NATIONAL EMERGENCY.

McDOWELL LEE,
Secretary.

BILLS ON THIRD READING RESUMED

And the bill:

S. 128. To provide for the appointment of a chief deputy tax collector by the elected Jefferson County tax collector and to provide for compensation, funding and qualifications of said chief deputy.

Was read a third time at length and passed.

Yeas 31; Nays 3.

Yeas:

Mr. Speaker, Biddle, Bowling, Britnell, Brooks, Bryant, Bugg, Curry, Davis, Dillard, Escott, Freeman, Gaston, Gray, Hall, Hamilton, Harvey, Hettinger, Knight, Kvalheim, Marks, McClain, McDowell, Moon, Newton, Parker, Perdue, Petelos, Rains, Spratt and Wright.

—31

Nays: Reps. Payne, Rogers and Seibels.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 137. To amend Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, approved September 18, 1973, as amended, to provide for the participation of the unclassified employees of the City of Birmingham in the retirement and relief system of the City of Birmingham and to provide for related matters.

Was read a third time at length and passed.

Yeas 39; Nays 2.

Yeas:

Mr. Speaker, Biddle, Bowling, Box, Breedlove, Brooks, Bryant, Clark (W), Curry, Davis, Dillard, Escott, Freeman, Gaston, Gray, Hall, Hamilton, Harvey, Hettinger, Johnson (RW), Knight, Kvalheim, Marietta, Marks, McClain, Moon, Newton, Parker, Payne, Perdue, Petelos, Slaughter, Spratt, Starkey, Turner, White (G), White (L), Wright and Zoghby.

—39

Nays: Reps. Rogers and Seibels.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 138. To amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended, which created a retirement system for officers and employees in cities of two hundred thousand or more inhabitants according to the latest federal decennial census, so as to provide further for the payments of benefits during periods of re-employment.

Was read a third time at length and passed.

Yeas 34; Nays 1.

Yeas:

Mr. Speaker, Breedlove, Brooks, Crow, Curry, Davis, Dillard, Escott, Freeman, Gaston, Gray, Grayson, Hall, Harvey, Hettinger, Johnson (RW), Knight, Kvalheim, Marks, McClain, Melton, Moon, Newman, Newton, Parker, Payne, Perdue, Petelos, Slaughter, Spratt, Starkey, White (G), Willis and Wright.

—34

Nay: Rep. Rogers.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 139. To amend Act No. 453 of the 1967 Regular Session of the Legislature of Alabama, (1967 Acts of Alabama, page 1129), as amended by Act No. 393 of the 1975 Regular Session of the Legislature of Alabama, said acts providing a pension and relief fund for officers and employees of the library board of any city having a population of three hundred thousand or more according to the last and any subsequent federal census, said act applicable to the officers and employees of the Birmingham Public Library System, to provide for the participation of the employees of the library board who are currently entitled to participate in the unclassified pension relief plan of the City of Birmingham to participate in the Birmingham Library Board Employees Pension and Relief Fund and to provide for related matters.

Was read a third time at length and passed.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Clark (W), Crow, Curry, Davis, Dillard, Escott, Frazier, Freeman, Gaston, Gray, Grayson, Hall, Hamilton, Hettinger, Johnson (RW), Knight, Kvalheim, Marks, Melton, Moon, Newman, Newton, Parker, Payne, Perdue, Petelos, Poole, Seibels, Slaughter, Spratt, Starkey, Turner, White (G), White (L), Willis and Wright.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 140. To amend section 11-52-32 of the Code of Alabama 1975 relating to planning, zoning and subdivisions, so as to provide further for the planning commissions of Class 1 municipalities to elect no less than three and no more than five of the members thereof to serve as a committee to approve or disapprove any plat presented to such commission.

Was read a third time at length and passed.

Yeas 46; Nays 1.

Yeas:

Mr. Speaker, Beasley, Biddle, Bowling, Breedlove, Britnell, Brooks, Bryant, Bugg, Crow, Curry, Davis, Dillard, Escott, Frazier, Freeman, Gaston, Gray, Grayson, Hall, Hamilton, Harvey, Hettinger, Johnson (RW), Knight, Kvalheim, Marks, McClain, McDowell, Melton, Moon, Newman, Newton, Parker, Payne, Perdue, Petelos, Poole, Slaughter, Spratt, Turner, White (G), White (L), Willis, Wright and Zoghby.

—46

Nay: Rep. Rogers.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 141. To further amend Section 6 of Act No. 529 of the Legislature of Alabama of 1923, as codified in Title 62, Section 725, Code of Alabama 1940 (Recomp. 1958) and as amended by Act No. 87-788 to provide an expense allowance for members of the Park and Recreation Board of the City of Birmingham.

Was read a third time at length and passed.

Yeas 41; Nays 2.

Yeas:

Mr. Speaker, Biddle, Blakeney, Bowling, Britnell, Brooks, Bryant, Clark (W), Crow, Curry, Davis, Dillard, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Hall, Hamilton, Hettinger, Johnson (RW), Kvalheim, Layson, Marks, McClain, McDowell, Melton, Moon, Newman, Newton, Parker, Payne, Poole, Slaughter, Starkey, White (G), White (L), Willis, Wright and Zoghby.

—41

Nays: Reps. Petelos and Rogers.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Reps. Escott and Spratt, would have voted "Yea" on the bill, S. 141, had they been in the Chamber at the time of voting.

And the bill:

S. 202. Relating to Franklin County; amending Act No. 88-562, S. 667, 1988 Regular Session (Acts 1988, p. 881), levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, so as to provide further for the collection and enforcement of the tax; and for the distribution of the proceeds therefrom.

Was read a third time at length and passed.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Beasley, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Butler, Clark (W), Crow, Curry, Davis, Dillard, Frazier, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Harvey, Hettinger,

Hogan, Johnson (RG), Johnson (RW), Knight, Logan, Marks, Mathis, Melton, Moon, Newman, Parker, Payne, Perdue, Poole, Rains, Slaughter, Starkey, White (G), White (L), Williams, Willis and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 211. To supplement the salaries of the circuit judges of the Sixth Judicial Circuit.

Was read a third time at length and passed.

Yeas 45; Nays 1.

Yeas:

Mr. Speaker, Beasley, Beers, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Butler, Clark (W), Crow, Curry, Davis, Dillard, Flowers, Frazier, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Harvey, Hettinger, Hogan, Johnson (RW), Knight, Layson, Marks, Mathis, McMillan, Melton, Moon, Newman, Parker, Payne, Slaughter, Starkey, White (G), White (L), Willis and Zoghby.

—45

Nay: Rep. Poole.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 214. Relating to Winston County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; providing for the distribution of the proceeds therefrom; and providing for a referendum.

Was read a third time at length and passed.

Yeas 35; Nays 0.

Yeas:

Reps. Beasley, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Clark (W), Curry, Davis, Dillard, Frazier, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Hettinger, Higginbotham, Holley, Johnson (RG), Knight, Layson, Marks, Moon, Newman, Parker, Payne, Perdue, Poole, Rains, Slaughter, Starkey and White (G).

—35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 217. To amend Section 9 of Act No. 88-562, S. 667 of the 1988 Regular Session of the Legislature, which act levies certain taxes on tobacco and tobacco products in Franklin County, so as to exempt Act No. 708 of the 1965 Regular Session of the Legislature approved on September 1, 1965, from the repealer provisions of said Section 9.

Was read a third time at length and passed.

Yeas 37; Nays 0.

Yeas:

Mr. Speaker, Biddle, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Butler, Clark (W), Crow, Curry, Dillard, Flowers, Frazier, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Harvey, Hettinger, Hogan, Knight, Marks, Moon, Newman, Parker, Payne, Slaughter, Starkey, White (G), White (L), Willis and Zoghby.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 219. To amend Section 9 of Act No. 88-562, S. 667 of the 1988 Regular Session of the Legislature, which act levies certain taxes on tobacco and tobacco products in Franklin County, so as to exempt Act No. 708 of the 1965 Regular Session of the Legislature approved on September 1, 1965, from the repealer provisions of said Section 9.

Was read a third time at length and passed.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Beasley, Biddle, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Clark (W), Crow, Curry, Davis, Dillard, Faulk, Flowers, Frazier, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Harvey, Haynes, Hettinger, Johnson (RG), Knight, Kvalheim, Mathis, Moon, Newman, Parker, Payne, Perdue, Poole, Rains, Slaughter, Starkey, White (G), Willis and Wright.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 220. Relating to Marion County; amending Act No. 88-619, H. 1030, 1988 Regular Session (Acts 1988, p. 961), levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, so as to provide further for the collection and enforcement of the tax; and for the distribution of the proceeds therefrom.

Was read a third time at length and passed.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Biddle, Blakeney, Bowling, Box, Britnell, Brooks, Bryant, Bugg, Clark (W), Curry, Dillard, Escott, Freeman, Gaston, Goodwin, Hall, Hamilton, Haynes, Johnson (RG), Knight, Kvalheim, Logan, Melton, Moon, Newman, Newton, Parker, Payne, Perdue, Poole, Seibels, Slaughter, Spratt, Starkey, White (G), Wright and Zoghby.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 221. Relating to the City of Bear Creek in Marion County; to alter the corporate boundaries so as to include additional lands within the corporate limits; and to provide for a referendum thereon.

Was read a third time at length and passed.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Blakeney, Bowling, Box, Brooks, Bryant, Bugg, Butler, Clark (W), Curry, Dillard, Faulk, Freeman, Gaston, Goodwin, Hall, Harvey, Headley, Hettinger, Higginbotham, Hill, Johnson (RG), Kennedy, Knight, Kvalheim, Logan, Moon, Newman, Parker, Payne, Perdue, Poole, Slaughter, Spratt, Starkey, White (G), Wright and Zoghby.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

S. 222 TEMPORARILY CARRIED OVER

On motion of Rep. Britnell, the bill, S. 222, was temporarily carried over.

REPORT OF CONFERENCE COMMITTEE

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 6, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

JAMES M. CAMPBELL,
WILLIAM P. FULLER, JR.,
JIMMY W. HOLLEY,
Conferees on the Part of the House.

JIM BENNETT,
BILL DRINKARD,
RYAN deGRAFFENRIED, JR.,
Conferees on the Part of the Senate.

A BILL
TO BE ENTITLED
AN ACT

Relating to elections; to define the meaning of terms used in this act; to provide for the designation and organization of a principal campaign committee by each candidate for election to state or local office; to designate the Secretary of State and the Judge of Probate as the recipients of reports and statements required to be filed by this act; to provide for the registration of political committees, including the principal campaign committee of each candidate; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to delineate the duties of the Secretary of State and Judge of Probate; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising; to prohibit the intimidation of voters, certain expenditures to influence voting, the publication or distribution of certain political statements, contributions in the name of another, fraudulent misrepresentations of campaign authority, and coercion of contributions; to provide penalties for the violation of the provisions of this act; to require that certificates of election be withheld under certain circumstances; to repeal chapter 22 of Title 17 of the Code of Alabama 1975; and to provide certain retroactive effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the Fair Campaign Practices Act.

Section 2. For purposes of this act, unless a different meaning clearly appears in the context, the following terms shall have the meanings ascribed in this section:

(1) CANDIDATE. An individual who has:

(a) Taken the action necessary under the laws of the state to qualify himself or herself for nomination or for election to any state office or local office or in the case of an independent seeking ballot access, on the date when he or she files a petition with the probate judge in the case of county offices or the secretary of state in all other cases; or

(b) Received contributions or made expenditures, or given his or her consent for any other person or persons to receive contributions or make

expenditures, with a view to bringing about his or her nomination or election to any state office or local office. Provided, however, that no person shall be considered a candidate within the meaning of this subdivision until such time as he or she has either received contributions or expenditures as provided herein in the following amounts:

1. \$10,000 or more, with a view toward bringing about nomination or election to any state office other than one filled by election of the registered voters of any circuit or district within the state;
2. \$3,000 or more, with a view toward bringing about nomination or election to any state office filled by election of the registered voters of any circuit or district; and
3. \$1,000 or more, with a view toward bringing about nomination or election to any local office.

(2) CONTRIBUTION.

(a) The following shall be considered contributions:

1. A gift, subscription, loan, advance, deposit of money or anything of value, a payment, a forgiveness of a loan, or payment of a third party, made for the purpose of influencing the result of an election;
2. A contract or agreement to make a gift, subscription, loan, advance, or deposit of money or anything of value for the purpose of influencing the result of an election;
3. Any transfer of anything of value received by a political committee from another political committee, political party or other source; or
4. The payment of compensation by any person for the personal services or expenses of any other person if such services are rendered or expenses incurred on behalf of a candidate, political committee or political party without payment of full and adequate compensation by such candidate, political committee or political party. Provided, however, that the payment of compensation by a corporation for the purpose of establishing, administering or soliciting voluntary contributions to a separate, segregated fund as permitted by Section 10-1-2, Code of Alabama 1975, shall not constitute a contribution.

(b) The term "contribution" does not include:

1. The value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee;
2. The use of real or personal property and the cost of invitations, food or beverages, voluntarily provided by an individual to a candidate or political committee in rendering voluntary personal services on the individual's residential or business premises for election-related activities;
3. The sale of any food or beverage by a vendor for use in an election campaign at a charge to a candidate or political committee less than the normal comparable charge, if such charge to the political committee for use in an election campaign is at least equal to the cost of such food or beverage to the vendor;
4. Any unreimbursed payment for travel expenses made by an individual who on his or her own behalf volunteers personal services to a candidate or political committee; or

5. The payment by a state or local committee of a political party of the cost of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing of two or more candidates for any public office for which an election is held in the state, except that this subparagraph shall not apply in the case of costs incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or other similar types of general public political advertising.

6. The value or cost of polling data and voter preference data and information if provided to a candidate or political committee, unless such information was compiled with the advance knowledge of and approval of the candidate or the political committee.

(3) ELECTION. Unless otherwise specified, any general, special, primary or runoff election, or any convention or caucus of a political party held to nominate a candidate, or any election at which a constitutional amendment or other proposition is submitted to the popular vote.

(4) EXPENDITURE.

(a) The following shall be considered expenditures:

1. A purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the result of an election;

2. A contract or agreement to make any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, for the purpose of influencing the result of an election; or

3. The transfer, gift or contribution of funds of a political committee to another political committee.

(b) The term "expenditure" does not include:

1. Any news story, commentary, or editorial prepared by and distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by any political party or political committee;

2. Nonpartisan activity designed to encourage individuals to register to vote, or to vote;

3. Any communication by any membership organization to its members or by a corporation to its stockholders and employees if such membership organization or corporation is not organized primarily for the purpose of influencing the result of an election;

4. The use of real or personal property and the cost of invitations, food or beverages, voluntarily provided by an individual in rendering voluntary personal services on the individual's residential or business premises for election-related activities;

5. Any unreimbursed payment for travel expenses made by an individual who, on his or her own behalf, volunteers personal services to a candidate or political committee;

6. Any communication by any person which is not made for the purposes of influencing the result of an election; or

7. The payment by a state or local committee of a political party of the cost of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing of two or more candidates for any public office for which an election is held in the state, except that this subparagraph shall not apply in the case of costs incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or other similar types of general public political advertising.

(5) IDENTIFICATION. The full name and complete address.

(6) LOAN. A transfer of money, property, or anything of value in consideration of a promise or obligation, conditional or not, to repay in whole or part.

(7) LOCAL OFFICE. Any office under the constitution and laws of the state, except circuit, district or legislative offices, filled by election of the registered voters of a single county or municipality, or by the voters of a division contained within a county or municipality.

(8) PERSON. An individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.

(9) POLITICAL COMMITTEE. Any political committee, club, association, principal campaign committee, political party, or other group of one or more persons which receives or anticipates receiving contributions or makes or anticipates making expenditures to or on behalf of any elected official, proposition, candidate, principal campaign committee or other political committee. For the purposes of this act an individual who makes a personal political contribution (other than a candidate who makes a contribution to himself), shall not be considered a political committee.

(10) PRINCIPAL CAMPAIGN COMMITTEE. The principal campaign committee designated by a candidate under Section 4 of this act. A political committee established primarily to benefit an individual candidate or an individual elected official shall be considered a principal campaign committee for purposes of this act.

(11) PROPOSITION. Any proposal for submission to the general public for its approval or rejection, including proposed as well as qualified ballot questions.

(12) STATE. The State of Alabama.

(13) STATE OFFICE. All offices under the constitution and laws of the state filled by election of the registered voters of the state of any circuit or district and shall include legislative offices.

Section 3. (1) Every political committee shall have a chairman and a treasurer.

(2) All funds of a political committee shall be segregated from, and shall not be commingled with, any personal funds of officers, members, or associates of such committee.

(3) It shall be the duty of the treasurer of a political committee to keep a detailed, exact account of:

(a) All contributions made to or for such committee;

(b) All expenditures made by or on behalf of such committee; and

(c) The identification of every person to whom an expenditure is made, the date and amount thereof, and the name of each candidate on whose behalf such expenditure was made or a designation of the election proposition the result of which the political committee will attempt to influence by making expenditures or receiving contributions.

(4) It shall be the duty of the treasurer to obtain and keep a receipted bill or cancelled check, stating the particulars for every expenditure made by or on behalf of a political committee greater than \$100, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year is greater than \$100. Provided, however, the treasurer of a political committee other than a principal campaign committee shall not be required under this act to report any expenditure not related to political contributions or expenditures or made as an administrative expense. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for a period of two years from the date of any such expenditure.

Section 4. Within five days after any person becomes a candidate for office, such person shall file with the Secretary of State or Judge of Probate, as provided in Section 9 of this act, a statement showing the name of not less than two nor more than five persons elected to serve as the principal campaign committee for such candidate, together with a written acceptance or consent by such committee, but any candidate may declare himself or herself as the person chosen to serve as the principal campaign committee, in which case such candidate shall perform the duties of chairman and treasurer of such committee prescribed by this act. If any vacancies be created by death or resignation or any other cause, such candidate may fill such vacancy, or the remaining members shall discharge and complete the duties required of such committee as if such vacancy had not been created. The principal campaign committee, or its treasurer, shall have exclusive custody of all moneys contributed, donated, subscribed or in any manner furnished to or for the candidate represented by such committee, and shall account for and disburse the same. No candidate shall expend any money in aid of his or her nomination or election except by contributing to the principal campaign committee designated by the candidate as aforesaid.

Section 5. (1) Each political committee, other than a principal campaign committee, which anticipates either receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding \$1,000 shall file with the Secretary of State or the Judge of Probate as herein provided in Section 9, a statement of organization, within ten days after its organization or, if later, within ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in an aggregate amount in excess of \$1,000. Each such committee in existence at the date of enactment of this act shall file a statement of organization within sixty days after the effective date of this act.

- (2) The statement of organization shall include:
 - (a) The name and complete address of the committee;
 - (b) The identification of affiliated or connected organizations, if any;
 - (c) The purposes of the committee;
 - (d) The identification of the chairman and treasurer;

(e) The identification of principal officers, including members of any finance committee;

(f) A description of the constitutional amendments or other propositions, if any, that the committee is supporting or opposing, and the identity, if known, of any candidate or elected official that the committee is supporting or opposing;

(g) A statement whether the committee is a continuing one, and if not, the expected termination or dissolution date; and

(h) The disposition of residual funds which will be made in the event of dissolution.

(3) Any material change in information previously submitted in a statement of organization, except for the information described in subsection (f) above, shall be reported to the Secretary of State or Judge of Probate as provided in Section 9, within ten days following the change.

(4) A political committee, including a principal campaign committee, after having filed its initial statement of organization, shall continue in existence until terminated or dissolved as provided herein. When any political committee other than a principal campaign committee determines it will no longer receive contributions or make expenditures during any calendar year in an aggregate amount exceeding \$1,000, or when any candidate through his or her principal campaign committee determines that he or she will not receive contributions or make expenditures in the amounts specified in Section 2(1)b of this act, the chairman or treasurer of such political committee may so notify the Secretary of State or Judge of Probate, as designated in Section 9 of this act, of the termination or dissolution of such political committee. Such notice shall contain a statement by the treasurer of such committee of the intended disposition of any residual funds then held by the committee on behalf of a candidate.

Section 6. A political committee shall maintain a checking account and shall deposit any contributions received by such committee into such account. No expenditure of funds may be made by any such committee except by check drawn on such account, or out of a petty cash fund from which it may make expenditures not in excess of \$100 to any person in connection with a single purchase or transaction.

Section 7. Amounts received by a principal campaign committee as contributions that are in excess of any amount necessary to defray expenditures of the candidate represented by such committee, may be used by such candidate to defray any ordinary and necessary expenses incurred by him or her in connection with his or her duties as a holder of office, may be contributed by him or her to any organization described in section 170(c) of Title 26 of the U.S. Code, may be transferred to another political committee or may be used for any other lawful purpose.

Section 8. (1) The treasurer of each principal campaign committee or other political committee shall file with the Secretary of State or Judge or Probate, as designated in Section 9 of this act, reports of contributions and expenditures at the following times in any year in which an election is held:

(a) Forty-five days before and between ten and five days before the date of any election for which a political committee receives contributions or makes expenditures with a view toward influencing such election's result;

(b) Provided, however, that a report shall not be required except between five and ten days before a run-off election.

(2) All candidates, political committees, and elected state and local officials covered under the provisions of this act, shall annually file with the Secretary of State or Judge of Probate, as designated in Section 9 of this act, reports of contributions and expenditures made during that year. The annual reports required under this subsection shall be made on or before January 31 of the succeeding year.

(3) Each report under this section shall disclose:

(a) The amount of cash or other assets on hand at the beginning of the reporting period; provided, however, that the initial report required by this act shall include cash and assets acquired from the date of July 1, 1988, and forward until the end of that reporting period and disbursements made from same;

(b) The identification of each person who has made contributions to such committee or candidate within the calendar year in an aggregate amount greater than \$100, together with the amount and date of all such contributions; provided, however, in the case of a political committee, other than a principal campaign committee, identification shall mean the name and city of residence of each person who has made contributions within the calendar year in an aggregate amount greater than \$100;

(c) The total amount of other contributions received during the calendar year but not reported under subsection (3)(b) of this section;

(d) Each loan to or from any person within the calendar year in an aggregate amount greater than \$100, together with the identification of the lender, the identification of the endorers, or guarantors, if any, and the date and amount of such loans;

(e) The total amount of receipts from any other source during such calendar year;

(f) The grand total of all receipts by or for such committee during the calendar year;

(g) The identification of each person to whom expenditures have been made by or on behalf of such committee or elected official within the calendar year in an aggregate amount greater than \$100, the amount, date, and purpose of each such expenditure, and, if applicable, the designation of each constitutional amendment or other proposition with respect to which an expenditure was made;

(h) The identification of each person to whom an expenditure for personal services, salaries, and reimbursed expenses greater than \$100 has been made, and which is not otherwise reported or exempted from the provisions of this act, including the amount, date and purpose of such expenditure;

(i) The grand total of all expenditures made by such committee or elected official during the calendar year; and

(j) The amount and nature of debts and obligations owed by or to the committee or elected official, together with a statement as to the circumstances and conditions under which any such debt or obligation was extinguished and the consideration therefor.

(4) Each report required by this section shall be signed and filed by the elected official or on behalf of the political committee by its chairman or treasurer and, if filed on behalf of a principal campaign committee, by the candidate represented by such committee. There shall be attached to each such report an affidavit subscribed and sworn to by the official or chairman or treasurer and, if filed by principal campaign committee, the candidate represented by such committee, setting forth in substance that such report is to the best of his or her knowledge and belief in all respects true and complete, and, if made by a candidate, that he or she has not received any contributions or made any expenditures which are not set forth and covered by such report.

Section 9. (1) All statements and reports required of principal campaign committees under the provisions of this act shall be filed with the Secretary of State in the case of candidates for state office or state elected officials, and in the case of candidates for local office or local elected officials, with the Judge of Probate of the county in which the office is sought.

(2) Political committees, except principal campaign committees, which seek to influence an election for local office or to influence a proposition regarding a single county, shall file all reports and statements with the Judge of Probate of the county affected. All other political committees, except as provided in subsection (1) above, shall file reports and statements with the Secretary of State.

Section 10. (1) A copy of each report shall be preserved for public inspection by the Secretary of State or Probate Judge, whichever is applicable.

(2) The date of filing of a report or statement filed pursuant to this act shall be deemed to be the date of receipt by the Secretary of State or Judge of Probate, as the case may be; provided, that any report or statement filed by certified or registered mail shall be deemed to be filed in a timely fashion if the date of the United States postmark stamped on such report or statement is at least two days prior to the required filing date, and if such report or statement is properly addressed with postage prepaid.

Section 11. The Secretary of State and the Judge of Probate shall have the following duties:

(1) To accept and file all reports and statements required by the provisions of this act to be filed with them and to accept any information voluntarily supplied that exceeds the requirements of this act;

(2) To make each statement and report filed by a principal campaign committee or other political committee or elected official available for public inspection and copying during regular office hours, any such copying to be at the expense of the person making copies; except that any information copied from such reports or statements may not be sold or used by any political party or any political committee for the purpose of soliciting contributions or for commercial purposes, without the express written permission of the candidate or political committee reporting such information.

(3) To furnish any forms to be used in complying with the provisions of this act. The expenses incurred by the Secretary of State in furnishing forms, accepting statements and reports, filing statements and reports, and making such statements and reports available to the public shall be paid from moneys designated to the Distribution of Public Documents.

Section 12. Any paid political advertisement appearing in any print media or broadcast on any electronic media shall be clearly identified or

marked as a paid advertisement. It shall be unlawful for any person, candidate, principal campaign committee or other political committee to broadcast, publish or circulate any campaign literature or political advertisement, without a notice appearing on the face or front page of any printed matter, or broadcast at the beginning or end of a radio or television spot, stating that the communication was a paid advertisement and giving the identification of the person, principal campaign committee or other political committee that paid for or otherwise authorized such communication.

Section 13. It shall be unlawful for any person, candidate, principal campaign committee, or other political committee to publish or distribute or display, or cause to be published or distributed or displayed, any card, pamphlet, circular, poster, or other printed material relating to or concerning any election, which does not contain the identification of the person, candidate, principal campaign committee, or other political committee responsible for the publication or distribution or display of the same.

Section 14. Notwithstanding any other provisions of this act or any other laws or parts of laws, a political committee may be established by a corporation.

Section 15. Notwithstanding any provision of this act to the contrary, political committees qualified with the Federal Election Commission established under 2 U.S.C. 437 shall file a copy of any report filed with the Federal Election Commission with the Secretary of State and such filing shall constitute compliance with the reporting requirements of this act.

Section 16. It shall be unlawful for any person to obstruct, intimidate, threaten or coerce any other person for the purpose of interfering with the right of such other person to vote or to vote as he or she may choose, or for the purpose of causing such other person to vote for, or not to vote for, any candidate for state or local office or any other proposition at any election.

Section 17. It shall be unlawful for any person to pay or offer to pay, or for any person to accept such payment, either to vote or withhold his or her vote, or to vote for or against any candidate.

Section 18. It shall be unlawful for any person to make a contribution in the name of another person, or knowingly permit his or her name to be used to effect such a contribution made by one person in the name of another person, or for any candidate or political committee to knowingly accept a contribution made by one person in the name of another person; provided, however, that nothing in this act would prohibit any person from soliciting and receiving contributions from other persons for the purpose of making expenditures to a candidate, political committee, or elected state or local official required to file reports pursuant to Section 8 of this act.

Section 19. It shall be unlawful for any person to fraudulently misrepresent himself or herself, or any other person or organization with which he or she is affiliated, as speaking or writing or otherwise acting for or on behalf of any candidate, political committee or political party, or agent or employee thereof, in a manner which is damaging or is intended to be damaging to such other candidate, political committee or political party.

Section 20. It shall be unlawful for any person or any political committee established pursuant to this act or for any person acting on behalf of such person or committee, to solicit or secure any money or anything of value by physical force, job discrimination or financial reprisals, or by threats

thereof or by the imposition of dues, fees, or other moneys required as a condition of employment.

Section 21. A certificate of election or nomination shall not be issued to any person elected or nominated to state or local office who shall fail to file any statement or report required by this act. A certificate of election or nomination already issued to any person elected or nominated to state or county office who fails to file any statement or report required by this act shall be revoked.

Section 22. (1) A person who violates any provision of this act other than a reporting requirement under Sections 4, 5 and 8 is guilty of a Class A misdemeanor and subject to a fine of not more than \$2,000, or imprisonment of not more than one year, or both such fine and imprisonment.

(2) A person who violates any reporting requirement of Sections 4, 5 and 8 is guilty of a Class B misdemeanor, and subject to a fine of \$1,000 or an amount not to exceed double the amount or value of the contributions or expenditures not reported, whichever is greater, or imprisonment of not more than six months, or both such fine and imprisonment; provided, however, that this subsection shall not apply to contributions received or to expenditures made before the effective date of this act.

(3) The Attorney General may prosecute for violations of this act. Venue for cases involving violations of this act shall be in the county in which the alleged violator resides. No prosecution for violation of this act shall be commenced later than two years after the date of violation.

Section 23. It is the intention of the Legislature by the passage of this act that its provisions be construed in *pari materia* with other laws regulating political contributions, corporations, or political contributions by corporations.

Section 24. Chapter 22 of Title 17 of the Code of Alabama 1975 and all laws and parts of laws in conflict herewith are hereby repealed.

Section 25. The invalidity of any one or more of the provisions of this act shall not affect the remaining portions of this act, and in the event that one or more provisions of this act should be held invalid, this act shall be construed as if such invalid provision had not been included herein.

Section 26. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law; provided, however, the reporting requirements provided for in this act shall have retroactive effect to July 1, 1988.

COMMITTEE ON CONFERENCE REPORT ADOPTED

On motion of Rep. Campbell, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 6, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 94; Nays 2.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard,

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Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—94

Nays: Reps. Drake and Knight.

—2

And the bill:

H. 6. Relating to elections; to define the meaning of terms used in this act; to provide for the designation and organization of a principal campaign committee by each candidate for election to state or local office; to designate the Secretary of State and the Judge of Probate as the recipients of reports and statements required to be filed by this act; to provide for the registration of political committees, including the principal campaign committee of each candidate; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to delineate the duties of the Secretary of State and Judge of Probate; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising; to prohibit the intimidation of voters, certain expenditures to influence voting, the publication or distribution of certain political statements, contributions in the name of another, fraudulent misrepresentations of campaign authority, and coercion of contributions; to provide penalties for the violation of the provisions of this act; to require that certificates of election be withheld under certain circumstances; and to repeal chapter 22 of Title 17 of the Code of Alabama 1975.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 94; Nays 3.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—94

Nays: Reps. Drake, Knight and Logan.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 88. Relating to Chambers County, providing further for the compensation of poll workers.

Also:

H. 165. Relating to Pike County; providing for the mode of construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county commission in relation to the roads, highways, bridges and ferries of Pike County; prohibiting the performance of certain work on private property; providing civil fines for violations; and providing for an effective date.

Also:

H. 349. Relating to Marion County; authorizing the county board of health to designate the services rendered by the county health department for which a reasonable fee may be charged and to set the appropriate fee for each service; and providing that no citizen shall be denied any service because of that person's inability to pay.

Also:

H. 352. Relating to Franklin County; amending Act No. 88-562, S. 667, 1988 Regular Session (Acts 1988, p. 881), levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, so as to provide further for the collection and enforcement of the tax; and for the distribution of the proceeds therefrom.

Also:

H. 353. Relating to Marion County; providing for the merging of the budgetary operations of the tax assessor's office; providing that said office shall be financed on a pro rata share basis from proceeds of state, county and municipal ad valorem taxes collected in the county; providing certain exceptions and providing for supplemental effect.

Also:

H. 360. To validate certain ad valorem taxes levied for school purposes; and to provide that ad valorem taxes levied for school purposes and approved by the voters of a county or school district for a period in excess of 30 years are valid for the period approved by voters.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 172. To authorize the Jefferson County Board of Health to designate services rendered by the health department under its control for which fees

may be charged and to establish the appropriate fee for each service; to authorize the Jefferson County Board of Health to charge and collect fees for services designated pursuant to this act; to provide that all fees established and collected pursuant to this act shall be retained and used by the Jefferson County Board of Health; to provide that all fees established and collected pursuant to this act shall not replace, but shall supplement and be in addition to, any and all federal, state and local funds otherwise provided to the Jefferson County Board of Health; to provide conditions applicable to the establishment or increase of fees authorized pursuant to this act, including the requirement of a public hearing and the right of the Jefferson County Commission to disapprove the establishment or increase of any fee; to authorize the Jefferson County Board of Health to adopt and to alter rules and regulations for the implementation and administration of this act and to provide that fees charged pursuant to this act shall be established, modified and collected in accordance with such rules and regulations; to provide that fees for services shall not be charged to persons unable to pay and to provide for confidentiality in the determination of any person's ability to pay; and to repeal all laws or parts of laws in conflict with this act to the extent applicable to Jefferson County.

Also:

H. 325. Relating to the Eighteenth Judicial Circuit, in Clay, Coosa and Shelby Counties, providing further for the compensation of the district attorney.

Also:

H. 354. Relating to Dale County; providing further for the distribution of the beer taxes levied by Act No. 82-344, H. 165, 1982 Regular Session.

Also:

H. 357. To amend Section 9 of Act No. 88-562, S. 667 of the 1988 Regular Session of the Legislature, which act levies certain taxes on tobacco and tobacco products in Franklin County, so as to exempt Act No. 708 of the 1965 Regular Session of the Legislature approved on September 1, 1965, from the repealer provisions of said Section 9.

Also:

H. 362. To amend Section 9 of Act No. 88-562, S. 667 of the 1988 Regular Session of the Legislature, which act levies certain taxes on tobacco and tobacco products in Franklin County, so as to exempt Act No. 708 of the 1965 Regular Session of the Legislature approved on September 1, 1965, from the repealer provisions of said Section 9.

Also:

H. 363. Relating to the City of Bear Creek in Marion County; to alter the corporate boundaries so as to include additional lands within the corporate limits; and to provide for a referendum thereon.

Also:

H. 365. Relating to Marion County; amending Act No. 88-619, H. 1030, 1988 Regular Session (Acts 1988, p. 961), levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, so as to provide further

for the collection and enforcement of the tax; and for the the distribution of the proceeds therefrom.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 24. To create and provide for the incorporation, organization and operation of the Alabama water system assistance authority; to prescribe the powers and functions of the said authority as a public corporation; to authorize the authority to make loans or grants to public water systems and to issue bonds; to establish a special "water supply assistance fund"; to provide for a legislative oversight committee to monitor such authority; to provide that the revenues accruing to the Alabama water system assistance authority from bonds issued by such authority shall be deposited in a certain fund to be operated by the state treasury; and to provide for state assistance to and cooperation with community water systems in financing projects that would focus on locating, developing and sustaining adequate potable water supplies for the citizens of this state.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators Barron, Covington, and Foshee.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Britnell, the House acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 24.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Carter, Clark (W), Crow, Curry, Dillard, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—88

The Speaker appointed as a Committee on Conference on the part of the House on the bill, S. 24, Reps. Britnell, Logan and Richardson.

S. 48 TEMPORARILY CARRIED OVER

On motion of Rep. Adams, the bill, S. 48, was temporarily carried over.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Layson, the rules were suspended in order to take up out of order the bill, S. 29.

And the bill:

S. 29. To amend Section 9-11-257, Code of Alabama 1975, as last amended, relating to hunting within 100 yards of roads, highways, or railroads without permission from an adjacent landowner, so as to provide that no person, except a duly authorized law enforcement officer acting in the line of duty or person otherwise authorized by law, shall hunt or discharge any firearm from, upon, or across any public road, public highway or railroad, or their rights-of-way, logging railroads excepted; and to provide penalties for the violation thereof.

Was read a third time at length and passed.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Butler, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Dillard, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McKee, McMillan, Melton, Mikell, Moon, Newman, Payne, Penry, Petelos, Poole, Reed, Richardson, Seibels, Slaughter, Starkey, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—80

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Zoghby, the rules were suspended in order to take up out of order the bill, S. 52.

And the bill:

S. 52. To amend Section 43-2-502 of the Code of Alabama 1975, relating to the filing of accounts by executors or administrators, so as to provide that the written evidence in the possession of an executor or administrator on which the executor or administrator relies to sustain the credit side of the account may consist of an affidavit or any other legal evidence, in the discretion of the executor or administrator.

Was read a third time at length and passed.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Butler, Carothers, Carter, Clark (W),

Cosby, Crow, Curry, Dillard, Escott, Faulk, Ford, Frazier, Fuller, Gaston, Goodwin, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Johnson (RG), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McKee, Melton, Mikell, Moon, Newman, Newton, Payne, Penry, Petelos, Poole, Rains, Reed, Richardson, Seibels, Slaughter, Spratt, Starkey, Thomas, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—78

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Haynes, the rules were suspended in order to take up out of order the bill, S. 99.

Yeas 62; Nays 10.

Yeas:

Mr. Speaker, Beers, Biddle, Blake, Breedlove, Buskey (JL), Carothers, Carter, Coburn, Cosby, Crow, Curry, Dillard, Drake, Ford, Frazier, Fuller, Gaston, Grouby, Hall, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Knight, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McKee, McMillan, Moon, Newman, Newton, Parker, Perdue, Poole, Reed, Richardson, Rogers, Slaughter, Spratt, Thomas, Turner, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—62

Nays:

Reps. Brooks, Bryant, Bugg, Buskey (JE), Freeman, Grayson, Melton, Penry, Rains and Seibels.

—10

MOTION TO RECESS ADOPTED

The motion offered by Rep. Venable that the House recess from 12:00 o'clock noon until 1:30 o'clock p.m. was adopted.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 182. REPEALING ACT NO 145, HJR 105, 1975 REGULAR SESSION, WHICH PETITIONED THE CONGRESS OF THE UNITED STATES TO CONVENE A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION WHICH WOULD PROHIBIT DEFICIT SPENDING BY THE U. S. GOVERNMENT, EXCEPT IN TIMES OF NATIONAL EMERGENCY.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 88. Relating to Chambers County, providing further for the compensation of poll workers.

Also:

H. 165. Relating to Pike County; providing for the mode of construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county engineer; providing for the manner of selecting said engineer; prescribing his qualifications and requiring bond; defining his authority, powers and duties and those of the county commission in relation to the roads, highways, bridges and ferries of Pike County; prohibiting the performance of certain work on private property; providing civil fines for violations; and providing for an effective date.

Also:

H. 349. Relating to Marion County; authorizing the county board of health to designate the services rendered by the county health department for which a reasonable fee may be charged and to set the appropriate fee for each service; and providing that no citizen shall be denied any service because of that person's inability to pay.

Also:

H. 352. Relating to Franklin County; amending Act No. 88-562, S. 667, 1988 Regular Session (Acts 1988, p. 881), levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, so as to provide further for the collection and enforcement of the tax; and for the distribution of the proceeds therefrom.

Also:

H. 353. Relating to Marion County; providing for the merging of the budgetary operations of the tax assessor's office; providing that said office shall be financed on a pro rata share basis from proceeds of state, county and municipal ad valorem taxes collected in the county; providing certain exceptions and providing for supplemental effect.

Also:

H. 360. To validate certain ad valorem taxes levied for school purposes; and to provide that ad valorem taxes levied for school purposes and approved

by the voters of a county or school district for a period in excess of 30 years are valid for the period approved by voters.

Also:

H. 172. To authorize the Jefferson County Board of Health to designate services rendered by the health department under its control for which fees may be charged and to establish the appropriate fee for each service; to authorize the Jefferson County Board of Health to charge and collect fees for services designated pursuant to this act; to provide that all fees established and collected pursuant to this act shall be retained and used by the Jefferson County Board of Health; to provide that all fees established and collected pursuant to this act shall not replace, but shall supplement and be in addition to, any and all federal, state and local funds otherwise provided to the Jefferson County Board of Health; to provide conditions applicable to the establishment or increase of fees authorized pursuant to this act, including the requirement of a public hearing and the right of the Jefferson County Commission to disapprove the establishment or increase of any fee; to authorize the Jefferson County Board of Health to adopt and to alter rules and regulations for the implementation and administration of this act and to provide that fees charged pursuant to this act shall be established, modified and collected in accordance with such rules and regulations; to provide that fees for services shall not be charged to persons unable to pay and to provide for confidentiality in the determination of any person's ability to pay; and to repeal all laws or parts of laws in conflict with this act to the extent applicable to Jefferson County.

Also:

H. 325. Relating to the Eighteenth Judicial Circuit, in Clay, Coosa and Shelby Counties, providing further for the compensation of the district attorney.

Also:

H. 354. Relating to Dale County; providing further for the distribution of the beer taxes levied by Act No. 82-344, H. 165, 1982 Regular Session.

Also:

H. 357. To amend Section 9 of Act No. 88-562, S. 667 of the 1988 Regular Session of the Legislature, which act levies certain taxes on tobacco and tobacco products in Franklin County, so as to exempt Act No. 708 of the 1965 Regular Session of the Legislature approved on September 1, 1965, from the repealer provisions of said Section 9.

Also:

H. 362. To amend Section 9 of Act No. 88-562, S. 667 of the 1988 Regular Session of the Legislature, which act levies certain taxes on tobacco and tobacco products in Franklin County, so as to exempt Act No. 708 of the 1965 Regular Session of the Legislature approved on September 1, 1965, from the repealer provisions of said Section 9.

Also:

H. 363. Relating to the City of Bear Creek in Marion County; to alter the corporate boundaries so as to include additional lands within the corporate limits; and to provide for a referendum thereon.

Also:

H. 365. Relating to Marion County; amending Act No. 88-619, H. 1030, 1988 Regular Session (Acts 1988, p. 961), levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, so as to provide further for the collection and enforcement of the tax; and for the distribution of the proceeds therefrom.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 34. To make an appropriation of \$75,000 from the State General Fund to the Coosa-Alabama River Improvement Association for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

S. 71. To make an appropriation from the State General Fund and the Alabama Special Educational Trust Fund for the fiscal year 1988-89 for the use of a sickle cell education program.

Also:

S. 98. To amend Section 5-19-4, Code of Alabama 1975, relating to consumer finance, so as to require actuarial method of computation on consumer loans and consumer credit sales with an original term of more than 61 months and to clarify method of refund in all other cases.

Also:

S. 132. To establish the "Alabama Hazardous Substance Cleanup Fund"; to provide that such fund shall be used for the cleanup and restoration of abandoned or inactive sites at which improper treatment, storage or disposal of hazardous substances has occurred; to plan and undertake the rehabilitation, removal and cleanup of hazardous substances deposited improperly at sites located within Alabama; to provide that this fund shall be used for sites not qualified for or unlikely to receive funding for cleanup from funds designated for cleanups under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. §9601 et seq.) and to provide state matching funds for cleanups under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980;

to provide for penalties and recovery of cleanup costs; to provide that the fund shall be administered by the Alabama Department of Environmental Management; and to direct the Alabama Department of Environmental Management to secure other funds whenever possible.

Also:

S. 199. To amend Act No. 87-761 of the 1987 Regular Legislative Session as it amended Section 4 of Act No. 86-645 1st Special Session, 1986, concerning the repayment of funds transferred from Fund No. 305735 by said Act.

Also:

S. 201. To amend Act 88-475, as amended, 1988 Regular Session, which act creates the Alabama Mental Health Finance Authority and provides for mental health projects of the Authority, and financing of such projects; so as to authorize the Authority to enter into any necessary financial instruments or obligations with the Retirement Systems of Alabama in order to secure financing for the funding of projects of the Authority; to provide that such financing shall be payable solely from the taxes appropriated and pledged in Section 16 of Act 88-475, as amended; and to amend Section 16 of Act 88-475, as amended, so as to appropriate and pledge as additional security for bonds authorized pursuant to Act 88-475, as amended, all or a portion of the proceeds of the tax levied in House Bill 319 as approved by the Alabama Legislature in the First Special Session, 1988.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

RECESS

On the motion offered by Rep. Venable, previously adopted, the House recessed from 12:00 o'clock noon until 1:30 o'clock p.m.

HOUSE RECONVENED

The hour of 1:30 o'clock p.m. having arrived, the House re-convened. The Speaker called the House to order.

S. 99 AGAIN TAKEN UP

And the bill:

S. 99. To provide for the establishment of a fund from which survivor allowances for spouses of deceased district or supernumerary district attorneys shall be paid; to provide requirements for eligibility for receipt of such benefits; to provide funding for the proper operations and maintenance of such fund; and to provide for the management of such fund.

Was read a third time at length and passed.

Yeas 76; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Breedlove, Britnell, Bryant, Bugg, Campbell, Carothers, Carter, Coburn, Cosby, Crow, Curry, Dillard, Drake, Escott, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Hettinger, Hill, Hogan, Hooper, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Laird, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Moon, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Rogers, Seibels, Slaughter, Spratt, Starkey, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Wright.

—76

Nay: Rep. Grayson.

—1

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Zoghby would have voted "Yea" had she been in the Chamber at the time of voting.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 6. Relating to elections; to define the meaning of terms used in this act; to provide for the designation and organization of a principal campaign committee by each candidate for election to state or local office; to designate the Secretary of State and the Judge of Probate as the recipients of reports and statements required to be filed by this act; to provide for the registration of political committees, including the principal campaign committee of each candidate; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to delineate the duties of the Secretary of State and Judge of Probate; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising; to prohibit the intimidation of voters, certain expenditures to influence voting, the publication or distribution of certain political statements, contributions in the name of another, fraudulent misrepresentations of campaign authority, and coercion of contributions; to provide penalties for the violation of the provisions of this act; to require that certificates of election be withheld under certain circumstances; to repeal chapter 22 of Title 17 of the Code of Alabama 1975; and to provide certain retroactive effect.

And said Bill, H. B. 6, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 95. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1989.

McDOWELL LEE,
Secretary.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Butler, the rules were suspended in order to take up out of order the bill, S. 196.

And the bill:

S. 196. To amend section 29-2-41, Code of Alabama 1975, which relates to the Contract Review Permanent Legislative Oversight Committee, so as to provide further for the committee's authority to review state contracts.

Was taken up.

AMENDMENT OFFERED

Rep. Carothers offered the following amendment to the bill, S. 196:

Amend Senate Bill 196, Section 1, Page 1, Line 31, after the word "reviewing" by inserting the following: "executive department".

Further amend Senate Bill 196 on Page 2, Line 18, by striking the words "any of its agencies or " and insert in lieu thereof the following: "executive".

AMENDMENT TABLED

On motion of Rep. Butler, the amendment offered by Rep. Carothers to the bill, S. 196, was tabled.

Yeas 77; Nays 6.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Bowling, Box, Breedlove, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carter, Clark (W), Crow, Curry, Dillard, Drake, Escott, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Penry, Rains, Reed, Richardson, Seibels, Slaughter, Spratt, Starkey, Thomas, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—77

Nays: Reps. Biddle, Carothers, Ford, Harvey, Payne and Rogers.

—6

And the bill, S. 196, was read a third time at length and passed.

Yeas 95; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler,

Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Parker, Payne, Penry, Poole, Reed, Richardson, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—95

Nay: Rep. Rogers.

—1

S. 2 TEMPORARILY CARRIED OVER

On motion of Rep. Cosby, the bill, S. 2, was temporarily carried over.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Bowling, Junkins, Bugg and Ford:

H. R. 205. MOURNING THE DEATH OF HERMAN W. COBB OF GADSDEN, ALABAMA.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Turner to suspend House Rule 6(2) in order to receive the bill, H. 47, as amended by the Senate, was lost.

Yeas 6; Nays 93.

Yeas: Reps. Clark (W), Coburn, Harper, Rains, Turnham and White (G). —6

Nays:

Reps. Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (L), Williams, Willis, Wright and Zoghby.

—93

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 18. To amend Sections 40-23-2, 40-23-61, 40-23-101 and 40-23-102, Code of Alabama 1975, which levy sales and use taxes on automotive vehicles,

truck trailers, semitrailers, and house trailers, so as to increase the levy from 1 1/2% to 2% and amends Sections 40-23-35 and 40-23-108 to distribute the additional funds generated to the state general fund.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators Preuitt, Drinkard, and Horn.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 95. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1989.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker Pro Tem, of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 6. Relating to elections; to define the meaning of terms used in this act; to provide for the designation and organization of a principal campaign committee by each candidate for election to state or local office; to designate the Secretary of State and the Judge of Probate as the recipients of reports and statements required to be filed by this act; to provide for the registration of political committees, including the principal campaign committee of each candidate; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to delineate the duties of the Secretary of State and Judge of Probate; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising; to prohibit the intimidation of voters, certain expenditures to influence voting, the publication or distribution of certain political statements, contributions in the name of another, fraudulent misrepresentations of campaign authority, and coercion of contributions; to provide penalties for the violation of the provisions of this act; to require that certificates of election

be withheld under certain circumstances; to repeal chapter 22 of Title 17 of the Code of Alabama 1975; and to provide certain retroactive effect.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Reps. Penry and McMillan:

H. R. 206. COMMENDING KEN KNUTSEN, ECONOMIC DEVELOPMENT VOLUNTEER OF THE YEAR.

Also:

By Reps. Zoghby and Kvalheim:

H. R. 207. RECOGNIZING WITH COMMENDATION THE 150TH ANNIVERSARY OF THE ESTABLISHMENT AND SERVICE OF ST. MARY'S HOME IN MOBILE, ALABAMA.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 76. MOURNING THE DEATH OF MARY HARRIETT MOON HAND OF HEFLIN, ALABAMA.

Also:

S. J. R. 77. NAMING THE DUAL BRIDGES, SPANNING CHAT-TASOFKA CREEK ON THE U. S. 280 DADEVILLE BY-PASS, IN HONOR OF JESSIE DENSON MCGILL.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 29. To amend Section 9-11-257, Code of Alabama 1975, as last amended, relating to hunting within 100 yards of roads, highways, or railroads without permission from an adjacent landowner, so as to provide that no person, except a duly authorized law enforcement officer acting in the line of duty or person otherwise authorized by law, shall hunt or discharge any firearm from, upon, or across any public road, public highway or railroad, or their rights-of-way, logging railroads excepted; and to provide penalties for the violation thereof.

Also:

S. 52. To amend Section 43-2-502 of the Code of Alabama 1975, relating to the filing of accounts by executors or administrators, so as to provide that the written evidence in the possession of an executor or administrator on which the executor or administrator relies to sustain the credit side of the account may consist of an affidavit or any other legal evidence, in the discretion of the executor or administrator.

Also:

S. 59. Relating to Jefferson County; to continue the office of Assistant Sheriff, Bessemer Division: to prescribe the duties, responsibilities and term; to provide for the appointment, qualifications and compensation of said office; to repeal all conflicting statutes; to provide for severability of the provisions of this act and to prescribe the effective date of such act.

Also:

S. 61. Relating to Jefferson County; to prescribe for the compensation of the Chief Deputy Sheriff of Jefferson County and to provide for the payment thereof.

Also:

S. 127. Relating to Jefferson County; to provide for the appointment of a Chief Deputy Tax Collector by the elected Jefferson County Assistant Tax Collector, Bessemer Division, and to provide for compensation, funding and qualifications of said Chief Deputy.

Also:

S. 141. To further amend Section 6 of Act No. 529 of the Legislature of Alabama of 1923, as codified in Title 62, Section 725, Code of Alabama 1940 (Recomp. 1958) and as amended by Act No. 87-788 to provide an expense allowance for members of the Park and Recreation Board of the City of Birmingham.

Also:

S. 202. Relating to Franklin County; amending Act No. 88-562, S. 667, 1988 Regular Session (Acts 1988, p. 881), levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, so as to provide further

for the collection and enforcement of the tax; and for the distribution of the proceeds therefrom.

Also:

S. 211. To supplement the salaries of the circuit judges of the Sixth Judicial Circuit.

Also:

S. 214. Relating to Winston County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; providing for the distribution of the proceeds therefrom; and providing for a referendum.

Also:

S. 215. Relating to Lamar County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and providing for the distribution of the proceeds therefrom.

Also:

S. 216. Relating to Lamar County; levying a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975, and a special county excise tax paralleling the state use taxes levied on the storage or use of certain automotive vehicles provided for by section 40-23-102, Code of Alabama 1975; specifying the rates at which such taxes shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said taxes; and providing for enforcement of this act.

Also:

S. 217. To amend Section 9 of Act No. 88-562, S. 667 of the 1988 Regular Session of the Legislature, which act levies certain taxes on tobacco and tobacco products in Franklin County, so as to exempt Act No. 708 of the 1965 Regular Session of the Legislature approved on September 1, 1965, from the repealer provisions of said Section 9.

Also:

S. 219. To amend Section 9 of Act No. 88-562, S. 667 of the 1988 Regular Session of the Legislature, which act levies certain taxes on tobacco and tobacco products in Franklin County, so as to exempt Act No. 708 of the 1965 Regular Session of the Legislature approved on September 1, 1965, from the repealer provisions of said Section 9.

Also:

S. 220. Relating to Marion County; amending Act No. 88-619, H. 1030, 1988 Regular Session (Acts 1988, p. 961), levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county, so as to provide further for the collection and enforcement of the tax; and for the distribution of the proceeds therefrom.

Also:

S. 221. Relating to the City of Bear Creek in Marion County; to alter the corporate boundaries so as to include additional lands within the corporate limits; and to provide for a referendum thereon.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Breedlove:

H. R. 208. COMMENDING LILLIAN PUGH ANDREWS FOR DISTINGUISHED SERVICE AND ACHIEVEMENT.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Kvalheim, the rules were suspended in order to take up out of order the bill, S. 151.

And the bill:

S. 151. To amend Sections 16-6A-12 and 16-6A-13, Code of Alabama 1975, which provide for the Educational Reform Act of 1984, so as to provide further for eligibility for and repayment of scholarship loans for teacher education programs in critical needs areas.

Was read a third time at length and passed.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Brooks, Bryant, Buskey (JE), Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Hettinger, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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And the bill:

S. 51. To amend §16-8-3 and §16-8-4, Code of Alabama, 1975, relating to the scheduling of regular meetings and annual public meetings of county boards of education.

Was read a third time at length and passed.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Drake, Faulk, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—90

And the bill:

S. 165. To amend Sections 34-33-1, 34-33-2, 34-33-3, 34-33-4, 34-33-5, 34-33-6 and 34-33-10 of the Code of Alabama 1975, relating to fire protection sprinkler systems, so as to redefine such systems and to further regulate the fire protection sprinkler system business in this state.

Was read a third time at length and passed.

Yeas 65; Nays 14.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Black, Blake, Blakeney, Bowling, Box, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Carothers, Carter, Clark (W), Cosby, Davis, Dillard, Drake, Faulk, Gaston, Goodwin, Gray, Grayson, Grouby, Hamilton, Hammett, Harper, Haynes, Headley, Hettinger, Higginbotham, Hogan, Holmes, Kennedy, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McClain, McDowell, Newman, Newton, Perdue, Petelos, Rains, Richardson, Seibels, Slaughter, Spratt, Starkey, Thomas, Venable, Warren, White (G), White (L), Williams, Wright and Zoghby.

—65

Nays:

Reps. Biddle, Breedlove, Ford, Freeman, Hall, Holley, Johnson (RG), Johnson (RW), Junkins, Lindsey, Moon, Parker, Payne and Poole.

—14

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Marietta, the rules were suspended in order to take up out of order the bill, S. 193.

And the bill:

S. 193. To amend the Alabama Trademark Act to include the registrability of business trade names thereby creating an "Alabama Trademark and Trade Name Act" by amending sections 8-12-6, 8-12-7, 8-12-8, 8-12-9, 8-12-14, 8-12-16, and 8-12-17 of the Code of Alabama 1975; to provide for

transition of existing trademarks; and to provide for an effective date of January 1, 1989.

Was read a third time at length and passed.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blakeney, Bowling, Box, Breedlove, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Crow, Davis, Dillard, Faulk, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Venable, Warren, White (F), White (G), White (L), Willis and Zoghby.

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RESOLUTIONS

The following resolution was introduced:

By Rep. Petelos:

H. J. R. 209. ESTABLISHING THE JOINT INTERIM LEGISLATIVE COMMITTEE ON WELFARE REFORM.

WHEREAS, Welfare Reform is a major national concern which is being studied and debated by the Congress and the various States; and

WHEREAS, Alabama's special Welfare Reform Commission has developed recommendations for a comprehensive Welfare Reform Plan; and

WHEREAS, the Department of Human Resources has developed, in accordance with these recommendations, a proposed Welfare Reform Demonstration Project to be tested in a limited number of counties; and

WHEREAS, public awareness and support are essential to the success of the plan for reducing welfare dependency; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Interim Legislative Committee on Welfare Reform is hereby established to:

(1) Communicate information regarding Welfare Reform initiatives to the other members of the Legislature and to the general public; and

(2) Act in a liaison capacity between the Department of Human Resources and the legislature in Welfare Reform matters; and

(3) Develop support for the Welfare Reform Demonstration Project to be tested in a limited number of counties; and

(4) Assist in establishing supportive networks/partnerships to increase resources available to reduce welfare dependency.

The membership of the Joint Interim Legislative Committee on Welfare Reform shall be composed of legislators who have a particular interest in welfare needs for the state of Alabama.

The twelve (12) member Committee shall be appointed as follows:

Four (4) members shall be those Legislators who are members of the Welfare Reform Commission;

Four (4) members appointed by the Lieutenant Governor shall be members of the Alabama Senate;

Four (4) members appointed by the Speaker of the House shall be members of the Alabama House of Representatives;

The Commissioner of the State Department of Human Resources shall serve as an ex officio member.

BE IT FURTHER RESOLVED, That the legislative members shall receive their regular expense, travel and per diem allowance for each day the committee meets, upon approval by the Chairman on warrants as provided by law, and shall be payable from any funds appropriated for use of the legislature, but not to exceed twenty-five hundred dollars per annum. The committee shall make its report to the legislature on the 5th legislative day of the 1989 regular session, at which time the committee shall expire.

On motion of Rep. Petelos, the rules were suspended and the resolution, H. J. R. 209, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Layson:

H. R. 210. COMMENDING TONY KLOSTERMANN OF REFORM, ALABAMA, FOR DISTINGUISHED VOLUNTEER SERVICE.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Campbell, the rules were suspended in order to take up out of order the bill, S. 103.

And the bill:

S. 103. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1987 Regular Session of the Legislature, as contained in the 1987 Cumulative Supplement to certain volumes of the Code and in the 1987 Replacement Volumes 7, 7A and 13 of the Code; to make corrections in certain volumes of such cumulative supplement and replacement volume 13; and to reorganize Article 5, Chapter 12, Title 13A, and Chapter 2, Title 20, as appearing in Volumes 12 and 14, respectively, of such cumulative supplement, so as to place the principal drug crime statutes in Title 13A, the Alabama Criminal Code.

Was read a third time at length and passed.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Bowling, Box, Breedlove, Brooks, Campbell, Carothers, Crow, Davis, Dillard, Escott, Faulk, Frazier, Gaston, Goodwin, Grayson, Grouby, Hamilton, Harvey, Haynes, Headley, Hettinger,

Higginbotham, Hill, Hogan, Johnson (RG), Junkins, Kvalheim, Laird, Layson, Logan, Marietta, Marks, Mathis, McMillan, Melton, Moon, Newman, Newton, Payne, Penry, Perdue, Petelos, Poole, Rains, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Warren, White (G), Wright and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Campbell, the rules were suspended in order to take up out of order the bill, S. 210.

And the bill:

S. 210. To amend Sections 36-27A-1 and 36-27A-5, Code of Alabama 1975, so as to allow public officials or employees of the State of Alabama, or any political subdivision thereof, to participate in the Public Employees' Individual Retirement Account Fund and to provide for additional noneductible contributions.

Was read a third time at length and passed.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Campbell, Carothers, Carter, Crow, Davis, Frazier, Goodwin, Grayson, Grouby, Hamilton, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Johnson (RG), Junkins, Kvalheim, Laird, Layson, Logan, Marks, Mathis, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Poole, Rains, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Walker, White (G), Willis and Zoghby.

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And the bill:

S. 48. Further providing for service charges of worthless checks for restitution and in the criminal procedure from crimes relating to worthless checks or negotiating a worthless negotiable instrument and notice, so as to increase such charges; amending Section 12-17-224, Code of Alabama 1975, as amended by Act No. 87-565, S. 319, Regular Session 1987, relating to restitution process and service charges for worthless checks; amending Section 13A-9-13.1, Code of Alabama 1975, as amended, relating to the crime of negotiating a worthless negotiable instrument and service charges, and Section 13A-9-13.2, Code of Alabama 1975, as amended, relating to notice of such crime and service charges, so as to increase such service charges.

Was taken up.

MOTION TO TEMPORARILY CARRY OVER TABLED

On motion of Rep. Harvey, the motion offered by Rep. McDowell to temporarily carry over the bill, S. 48, was tabled.

Yeas 41; Nays 19.

Yeas:

Reps. Beasley, Blake, Blakeney, Breedlove, Britnell, Brooks, Bugg, Burke, Carothers, Cosby, Crow, Faulk, Frazier, Fuller, Gaston, Grouby, Harvey,

Haynes, Hogan, Holley, Hooper, Johnson (RG), Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McMillan, Mikell, Petelos, Poole, Seibels, Walker, Warren, White (F), White (G), Willis, Wright and Zoghby.

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Nays:

Reps. Beers, Biddle, Black, Bryant, Davis, Dillard, Escott, Grayson, Johnson (RW), McClain, McDowell, Melton, Newton, Payne, Perdue, Rains, Rogers, Spratt and Thomas.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 186. To provide for the establishment and operation of an Alabama Chiropractors' Hall of Fame Board, and to prescribe its powers and duties.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 12. To amend Section 16-3-9, Code of Alabama 1975, which provides for the expense allowance for members of the state board of education, so as to increase said allowance.

Also:

H. 201. This bill amends Section 22-21-24, Code of Alabama, 1975, by increasing the fees for the license for health care facilities.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 8. To amend Article 19 of Chapter 4 of Title 10 of the Code of Alabama (1975), as amended, the Revised Alabama Professional Corporation Act, by amending Sections 10-4-383, 10-4-387, 10-4-389, and 10-4-403 of the Code of Alabama (1975), as amended to determine the date of disqualification of shareholders; to allow corporations in existence December 31, 1983 in which licensed medical and dental professionals were allowed to be shareholders under Section 10-4-235, Code of Alabama (1975), to continue and to permit licensed medical and dental professionals to be allowed to be

shareholders in the same professional to be allowed to be shareholders in the same professional corporation; permit professional associations in existence December 31, 1983 to continue to use the name professional associations or the abbreviation P.A.

Also:

H. 148. To provide that any member of the teachers' or employees' retirement system of Alabama not presently covered by a provision to convert unused sick leave into membership service for purposes of service retirement may do so under the provisions of §36-26-36.1 provided that no employee of an employer participating pursuant to §36-27-6 of the Code of Alabama 1975 shall be entitled to the benefits provided in this act unless such employer elects to come under the provisions of said act.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 240. To amend Section 41-9-341, Code of Alabama, 1975, which relates to reimbursement of expenses of members of the USS Alabama Battleship Commission, so as to allow members to be reimbursed for actual expenses incurred from funds of the Commission and to amend Section 41-9-349, Code of Alabama, 1975, which relates to the powers of the USS Alabama Battleship Commission, so as to authorize the Commission to lease certain of its lands in furtherance of the purposes for which the Commission was organized.

Also:

H. 279. To amend Sections 10-2A-114, 10-2A-116, 10-2A-180, 10-2A-183, 10-2A-191, 10-2A-260, 10-2A-261, 10-2A-281 and 10-2A-282, Code of Alabama, 1975, so as to create the Secretary of State Corporations Fund, to provide for fees relating to corporations, to provide that the Secretary of State be provided copies of certain corporations filings, and to provide an appropriation from the Secretary of State Corporation Fund for the fiscal year 1988-89.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 9. To revise the law on powers contained in mortgages on real estate and to provide: definitions; foreclosure by power of sale; minimum standards for notice of sale; method of conducting foreclosure by power of sale; and successive sales under power permitted. This Act applies only to mortgages, defined herein, executed on or after the effective date of this Act which is January 1, 1989.

Also:

H. 219. To prohibit any state or county inmate from being employed by any district attorney, judge, or sheriff, or any parent, sibling, or child of any district attorney, judge, or sheriff, or for any business one-third or more of which is owned by any district attorney, judge, or sheriff, or any parent, sibling, or child of any district attorney, judge, or sheriff; and to provide a misdemeanor penalty.

Also:

H. 133. To amend Sections 17-13-7, 17-16-35, 17-16-36, 17-17-2, 17-19-4, and 17-20-3, Code of Alabama, 1975, relating to the reporting of election results to the secretary of state so as to stipulate that the results will be reported by precincts.

McDOWELL LEE,
Secretary.

RECESS

On motion of Rep. Johnson (RW), the House recessed until 7:00 o'clock p.m.

Yeas 43; Nays 29.

Yeas:

Reps. Black, Blake, Blakeney, Bowling, Bryant, Buskey (JE), Buskey (JL), Clark (W), Curry, Davis, Dillard, Escott, Faulk, Frazier, Freeman, Grayson, Grouby, Haynes, Hettinger, Hill, Hogan, Holmes, Johnson (RW), Junkins, Kennedy, Laird, McClain, McDowell, McKee, Melton, Mikell, Newman, Newton, Perdue, Rains, Rogers, Spratt, Thomas, Walker, Warren, White (F), Williams and Wright.

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Nays:

Mr. Speaker, Beasley, Beers, Bugg, Burke, Campbell, Carothers, Cosby, Crow, Gaston, Harvey, Higginbotham, Holley, Johnson (RG), Knight, Kvalheim, Layson, Lindsey, Logan, Marks, Mathis, McMillan, Moon, Petelos, Richardson, Slaughter, White (G), Willis and Zoghby.

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HOUSE RECONVENED

The hour of 7:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 142. COMMENDING LILLIAN PUGH ANDREWS FOR DISTINGUISHED SERVICE AND ACHIEVEMENT.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 61. To amend the Alabama Trademark Act to include the registrability of business tradenames thereby creating an "Alabama Trademark and Tradename Act" by amending sections 8-12-6, 8-12-7, 8-12-8, 8-12-9, 8-12-14, 8-12-16, and 8-12-17 of the Code of Alabama 1975. Further to provide for transition provisions for existing trademarks and an effective date of January 1, 1989.

Also:

H. 221. To provide further for the revision of the guardianship laws of this state by amending Sections 1-106, 1-107, 2-104, 2-309, and 2-313 of the Alabama Uniform Guardianship and Protective Proceedings Act, Act No. 87-590, H. 233, which sections appear respectively as sections 26-2A-6, 26-2A-7, 26-2A-73, 26-2A-138, 26-2A-142, and 26-2A-8 of the Code of Alabama 1975.

McDOWELL LEE,
Secretary.

S. 48 TEMPORARILY CARRIED OVER

On motion of Rep. Harvey, the bill, S. 48, was temporarily carried over.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Holley, the rules were suspended in order to take up out of order the bill, S. 126.

And the bill:

S. 126. To amend Section 22-27-5, Code of Alabama 1975, as amended, relating to solid waste disposal fees, permits and bonds, so as to prescribe certain minimum surety bond requirements for out-of-state shippers of household garbage, in order to protect the health, safety and welfare of the citizens of this state.

Was read a third time at length and passed.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Dillard, Drake, Escott, Faulk, Ford, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey,

Thomas, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Holley, the rules were suspended in order to take up out of order the bill, S. 8.

Yeas 77; Nays 8.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Butler, Campbell, Carter, Cosby, Crow, Curry, Dillard, Drake, Faulk, Flowers, Ford, Frazier, Fuller, Gaston, Goodwin, Grouby, Hamilton, Hammett, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Reed, Richardson, Seibels, Slaughter, Spratt, Starkey, Turnham, Venable, Walker, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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Nays:

Reps. Black, Buskey (JE), Escott, Grayson, Marietta, Newton, Rogers and Thomas.

—8

And the bill:

S. 8. To amend section 13A-6-4, Code of Alabama 1975, to provide that criminally negligent homicide is a Class C felony.

Was read a third time at length and passed.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Bryant, Burke, Butler, Campbell, Carothers, Cosby, Crow, Curry, Dillard, Drake, Faulk, Frazier, Fuller, Gaston, Goodwin, Gray, Hammett, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Layson, Lindsey, Logan, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Payne, Penry, Petelos, Poole, Reed, Seibels, Slaughter, Starkey, Thomas, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

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RESOLUTIONS

The following resolution was introduced:

By Reps. Turner and Box:

H. J. R. 211. RESOLUTION TO ENCOURAGE PUBLIC AWARENESS OF JUDICIAL ERROR AND TO URGE PUBLIC OFFICIALS TO

CONCUR IN SEEKING JUDICIAL REVIEW OF THE CONTRACTUAL RIGHTS OF NON-TENURED TEACHERS.

WHEREAS, it has only recently come to the attention of the House of Representatives that there exists a contradiction in the education code in that:

A. There is an ancient and frequently applied cannon of statutory construction that the adoption or re-enactment of a statute that has received judicial construction adopts the construction given it.

B. The Alabama Supreme Court ruled in Board of Education v. State ex rel Bowen, 256 Ala 107, 53 2nd 371 (1951) that the notice required by Code of Alabama, 1940, Title 52, section 360, renumbered with the 1975 recodification as §16-24-12, must be efficacious to cancel the non-tenured teacher's contract then in existence.

C. The Bowen decision in 1951 prompted the legislature two years later to amend section 360 to change the date by which time notice of non-employment must issue. That amendment in 1953 was the result of the Legislature's deliberative focus on a specific, individual Code section and not an ill considered inevitability of a mammoth recodification such as those which occurred in the years 1954 and 1975.

D. The amendment of section 360 did not, however, change the required efficacy of the notice.

E. The Alabama Legislature did intentionally, deliberately, specifically and purposefully adopt the construction which the Bowen decision placed upon what is currently §16-24-12. With such amendment it was clearly and indisputably certain that it was the Legislature's intent that the contract of a non-tenured teacher does not expire at the end of the school term for which it is effective. To restate the reality, it was obvious that the contract of a non-tenured teacher, like that of a tenured teacher, remains in full force and effect until cancelled or superceded by a new contract signed by the teacher and the board of education which employs him or her.

F. The Fifth Court of Appeals ruled in Robinson v. Jefferson County Board of Education, 485 F 2d. 1381, (1973) rehearing denied en banc, (5th Cir., 1973), 488 F 2d. 1055, cert denied, 419 U. S. 862, 95 S. Ct. 115, 42 L. Ed. 2d. 97 (1974), that Alabama law does not require boards of education to grant non-tenured teachers a hearing before being summarily terminated at the end of the school term for a professional reputation damaging cause enumerated in a written contract. That contract was drafted as required by statute under the auspices of the office of the State Superintendent of Education (§16-4-9).

G. Those causes are identical to those which are enumerated in the teacher tenure law and which insure to the tenured teacher protection against any dismissal for any other cause:

Cancellation of an employment contract with a teacher on continuing service status may be made for incompetency, insubordination, neglect of duty, immorality, justifiable decrease in the number of teaching positions, or other good and just cause . . . (§16-24-8)

That the party of the first part hereby reserves the right to annul this contract and to dismiss party of the second part: (a) if such party is not on continuing service status, for incompetency, insubordination,

neglect of duty, immorality, justifiable decrease of teaching positions or other good and just cause. . . .

Section 5 of the standard contract prepared under direction of the state superintendent of education.

H. The Fifth Circuit Court of Appeals cited as its authority State ex rel. Steele v. Board of Education, 40 So 2d. 689, 252 Ala 254 (1949)—a case which pre-dated Bowen, supra, by two years and its own deliberations by more than two decades—in which the Court's purpose was to determine the rights of a tenured teacher, in which there was no non-tenured litigant, but in which the Court, nevertheless, stated in obiter dictum that "... an employing board of education does have the authority to summarily terminate the employment of a probationary teacher at the expiration of the period covered by a contract, usually a year. Termination of employment and cancellation of an existing contract are entirely different matters. The latter can be done only for cause." 252 Ala 254, 258.

I. The dictum in Steele was effectively overruled by the Bowen decision which specifically and directly addressed the issue of contractual rights of non-tenured teachers.

J. In reference to the Teacher Tenure Act, the Alabama Supreme Court has ruled:

The very laudable purpose of this Act was to insure to the teachers some measure of security in their important work and to free them, at least a measurable extent from the "vicisitudes of politics" or the likes or dislikes of those charged with the administration of school affairs.

Such being the manifest purpose of the Act it should be liberally construed in favor of the teachers who constitute the class designated to be its primary beneficiaries." Board of Education of Marshall county v. Baugh 240 Ala 391, 396, 199 2d. 822 (1941) which safeguarded rights of teachers who did not receive proper notice of non-employment.

K. Section 16-24-11 limits the power of the teacher, whether in continuing service status or not, to cancel his or her contract between school terms. A board of education may not simply refuse renewal of a contract which a teacher can only cancel. Such an arrangement would lack mutuality. See Hayes v. Mobile County Board of School Commissioners, 405 So. 2d 366 (1981). The contract would not be susceptible to cancellation by any party unless it existed.

L. A contract which restricts the reasons and method for cancellation excludes other reasons or methods, legal principles affirmed by the Steele case, supra, but overlooked and not applied by the Fifth Circuit Court of Appeals which cited it as dispositive in the Robinson case.

M. The Alabama Legislature recodified the statutes in 1975 and re-adopted without amendment the code section previously cited as section 360, Title 52 and renumbered as §16-24-12, thus inadvertently adopting the construction placed upon it by the Fifth Circuit Court of Appeals in its misguided reliance upon the Steele decision.

N. The Alabama Legislature inadvertently through the amendment and recodification processes endowed section 16-24-12 with meanings so contradictory that the constitutionality of the teacher tenure is now questionable.

O. The Fifth Circuit Court of Appeals effectively ruled in its response to the motion for summary judgement submitted by the defendants in the

Robinson case—in which a non-tenured teacher for the first time relied upon a written contract with explicit provision for dismissal for enumerated causes—that because of the teacher tenure law a code section older than the teacher tenure law itself, section 86, Title 52 subsequently renumbered §16-8-23, could not possibly be so construed as to lead to the conclusion that a non-tenured teacher confronted with involuntary severance of employment could have a denied right to advance written notice of intent to dismiss or a pre-termination hearing in which the board would be required to determine from evidence the merits of causes asserted as the basis for the proposed dismissal because the Code section provided in its enumeration of causes for dismissal, "... or whenever, in the opinion of the board, the best interests of the school require it...", an expression translated by the Legislature itself in the teacher tenure law as "... other good and just cause...", the exact translation given the phrase in the written contract.

P. The Fifth Circuit Court of Appeals did not consider that section 86 (§16-8-23) applied equally to all teachers, including tenured teachers whose rights to be dismissed for cause only and whose rights to a hearing at which a board could exercise discretion in response to evidence was expressly affirmed by the Alabama Supreme Court in Steele, the very same decision of the Alabama Supreme Court cited as dispositive in the Robinson case.

Q. The Alabama Legislature has previously approved, through readoption of the teacher tenure law and the 1954 recodification, the judicially articulated principle applied to the construction of statutes that an enumeration of causes for dismissal or cancellation of an employment contract means legal causes exclusive of all other causes and requires at the minimum the procedure expressly provided. Steele, supra, Faircloth v. Folmar, 40 S 2d. 697, 252 Ala 223 (1949). The Alabama Legislature inadvertently approved the contrary conclusion as expressed in the Robinson case in its readoption of section 86 (§16-8-23), thus endowing section 86 (§16-8-23) with two diametrically opposite meanings: tenured teachers enjoy a property interest in employment as the result of enumeration of causes in section 86 (§16-8-23), but non-tenured teachers cannot possibly have a property interest in employment—even though section 86 (§16-8-23) applies equally to them and even though the causes enumerated in the written contract happen to be identical to those enumerated in the teacher tenure law.

WHEREAS the affected Code sections, construed in *pari materia*, constitute a contract as attested by the written contract executed by boards of education and teachers and prepared or caused to be prepared by the state superintendent of education (§16-4-9) who has himself both the authority and duty to explain the true intent of the law, (16-4-4) and who additionally and significantly has the duty to "execute the educational policy of the state board of education" (§16-4-6) which has authority which is not to be lightly shrugged aside:

In order to meet emergencies that may arise because of any defect in the language or purpose of this title, the state board of education may make such rules and regulations as will give full force and effect to any or all of its provisions. (16-3-13)

WHEREAS the written contract appears to be an accurate expression of Legislative intent embodied in the language of the statutes,

WHEREAS the language of the statutes itself constituted a contract,

WHEREAS the written for of the contract further appears to be an authorized exercise of duty by the State Superintendent of Education and State Board of Education acting in concert,

WHEREAS the resulting written contract is protected by Article I, section 22, Constitution of the United States against impairment by this Legislature and should not be impaired by any other authority, including the judiciary,

WHEREAS the Alabama Legislature is powerless to correct the error perpetrated by the judiciary and approved by the Legislature through re-adoption of the Code section with the recodification in 1975, thereby returning to the relevant Code sections their original meaning A) because it is the very purpose of amendment to change that which is being amended and change risks impairment contrary to Article I, section 22, Constitution of the United States and B) the decision of the Fifth Circuit Court of Appeals in the Robinson case and the Alabama Supreme Court in subsequent cases have foreclosed to the Legislature the use of the very words required to restore to statutes their original meaning by denying those words their intended effect,

WHEREAS the Courts have not yet construed the entire body of relevant statutes in pari materia together with pertinent constitutional and case law,

WHEREAS an amendment, even if possible, A) would not and could not prevent additional, better informed non-tenured teachers and attorneys from instituting judicial proceedings to contest wrongful dismissals which had occurred before the amendment, B) would not, therefore, eliminate the expense to the boards of education to defend such suits and (C) would very possibly precipitate a plethora of suits to have construed the law as amended, a procedure which does not always result in accuracy,

WHEREAS the error which disrupted the harmony in the law originated in the case initiated by Carolyn F. Robinson,

WHEREAS Ms. Robinson was unable to obtain legal assistance from the several sources to which she addressed pleas for help, including the office of the Attorney General,

WHEREAS it is consistent with the public interests to reduce where possible the potential costs to the various boards of education to defend themselves against a multiplicity of suits by aggrieved non-tenured teachers throughout the state who become increasingly aware of the unfortunate errors perpetrated by the Courts in the Robinson decision and subsequent cases, errors which became entrenched when this Legislature recodified the law in 1975,

WHEREAS this Legislature should encourage a method of judicial review which will culminate in a timely, definitive judicial decision which may discourage what appears to be a common annual practice of violating by the constitutional rights of non-tenured teachers,

WHEREAS it is inconsistent with the interests of the State of Alabama and of justice to the individual, Ms. Robinson, for this Legislature to restrain its objection to a decision which elevated obiter dictum to superior authority to which all other authority,—whether contractual, constitutional, statutory or case law, whether pre-existing, concurrent or subsequent—would be subordinated.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature hereby expresses its concern for the constitutionality and harmony of law and consistency of justice by urging:

A. All citizens generally, all members of all boards of education specifically and all members of the education profession especially to acquaint themselves thoroughly with relevant legal issues and arguments,

B. Governor Hunt to express his concern for the constitutionality and harmony of law and consistency of justice by exercising his authority to request in writing that the Attorney General move the Court to reopen Ms. Robinson's case so that all errors can be corrected at the point of their origin.

C. The Attorney General and his assistants to confer with Ms. Robinson in preparing to represent the interests of the State,

D. The Court of choice to grant motion to vacate judgment so that the legal rights and responsibilities of all parties can be reconsidered in light of all relevant law, including constitutional mandates, and grant to any and all parties all judgment and all relief to which such parties would be entitled if the original judgment had not been entered into the record.

E. The State Superintendent of Education to confer with Ms. Robinson, whose ability to make legal argument was praised by the Fifth Circuit Court of Appeals, preliminary to preparing an amicus curiae brief in support of the motion by the Attorney General to vacate judgment in the case brought by Ms. Robinson against the Jefferson County Board of Education.

BE IT FURTHER RESOLVED That a copy of this Resolution be sent to the Honorable Guy Hunt, Governor of Alabama, the Honorable Don Siegleman, Attorney General of Alabama, the Honorable Wayne Teague, State Superintendent of Education, and Ms. Carolyn F. Robinson at Rt. 1, Box 240, Semmes, Alabama, 36575.

BE IT FURTHER RESOLVED That a copy of this Resolution be submitted to the Court of choice by the Honorable Don Siegleman, Attorney General of Alabama, in his motion to vacate judgment.

The resolution, H. J. R. 211, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Britnell:

H. R. 212. COMMENDING CHARLES W. BRITNELL, JR. FOR COURAGEOUS AND MERITORIOUS ACTIONS.

Also:

The following resolution was introduced:

By Rep. Johnson (RG):

H. J. R. 213. STATING THE LEGISLATIVE INTENT FOR H.B. 209, ACT NO. 88-731, FIRST SPECIAL SESSION, 1988.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is the intent of the Legislature pertaining to House Bill 209, Act. No. 88-731, First Special Session 1988, that only a single \$50.00 reinstatement charge can be made for a cancellation, suspension or revocation action.

On motion of Rep. Johnson (RG), the rules were suspended and the resolution, H. J. R. 213, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Buskey (JL), Walker, Mikell, Hooper and McKee:

H. R. 214. COMMENDING THE CENTRAL ALABAMA OPPORTUNITIES INDUSTRIALIZATION CENTER, INC., ON ITS TWENTIETH ANNIVERSARY.

Also:

The following resolution was introduced:

By Reps. Buskey (JL), Walker, Mikell, McKee and Hooper:

H. J. R. 215. COMMENDING THE CENTRAL ALABAMA OPPORTUNITIES INDUSTRIALIZATION CENTER, INC., ON ITS TWENTIETH ANNIVERSARY.

WHEREAS, the Alabama Legislature notes that on September 16, 1968, the Central Alabama Opportunities Industrialization Center, Incorporated (OIC), organized by Mrs. Consuello "Connie" J. Harper, has provided a voluntary self-help training program for the unemployed, underemployed, unskilled and semiskilled persons to function more effectively in the community and society by offering to help people to help themselves; and

WHEREAS, Central Alabama OIC in 1968 received its first donation from Governor George C. Wallace and later in 1970 as Governor, he appropriated \$35,000 from his discretionary funds, and in 1977, Governor Wallace implemented a line item appropriation in the state budget in the amount of \$350,000 for OIC, and in 1986, Governor Wallace provided matching state funds of \$300,000 to build the new Central Alabama OIC facility; and

WHEREAS, Central Alabama OIC in 1970 started the first rural transit system in the deep South and was rated among the top five manpower programs in the Nation by Development Associates, Inc., under contract from the Office of Economic Opportunity; and

WHEREAS, The Alabama Journal on October 13, 1972, published an editorial proclaiming the OIC program "one of the truly remarkable manpower training systems in the country"; and

WHEREAS, Central Alabama OIC has contributed 100% of its time in providing services to low-income elderly through housing counseling, housing rehabilitation and housing development; and

WHEREAS, Central Alabama OIC receives private industry support to supplement its programs and has expanded the OIC program with counseling, job survival skills training and placement and follow-up for youth 16-21 years of age; and

WHEREAS, the National Alliance of Business' Distinguished Performance Award was presented to Central Alabama OIC for being the best job placement agency for youth in the nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do recognize the many contributions, dedication and visionary goals of the leaders and officers of the Central Alabama OIC over its twenty years of service, all of which have provided job opportunities for the unemployed, underemployed, unskilled or semiskilled person and has served the needs of numerous Alabama families.

BE IT FURTHER RESOLVED, That our best wishes and congratulations are given to all members and participants of the Central Alabama Opportunities Industrialization Center, Inc., on the celebration of its twentieth anniversary.

RESOLVED FURTHER, That official copies of this resolution be transmitted to the appropriate officers or executives of the organization so that they and their members may know of this Legislature's appreciation for their many contributions to numerous Alabamians and communities.

On motion of Rep. Buskey (JL), the rules were suspended and the resolution, H. J. R. 215, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the Bill:

S. 24. To create and provide for the incorporation, organization and operation of the Alabama water system assistance authority; to prescribe the powers and functions of the said authority as a public corporation; to authorize the authority to make loans or grants to public water systems and to issue bonds; to establish a special "water supply assistance fund"; to provide for a legislative oversight committee to monitor such authority; to provide that the revenues accruing to the Alabama water system assistance authority from bonds issued by such authority shall be deposited in a certain fund to be operated by the state treasury; and to provide for state assistance to and cooperation with community water systems in financing projects that would focus on locating, developing and sustaining adequate potable water supplies for the citizens of this state.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE ON CONFERENCE SENATE BILL 24

We, the Committee of Conference appointed to reconcile the differences between the two Houses concerning Senate Bill 24, have met and considered the matter referred and beg leave to report as follows:

Said Conference Committee recommends that the Senate concur with the bill as substituted and amended by the House.

Conferees on part of the Senate,
LOWELL BARRON,
FOY COVINGTON,
CRUM FOSHEE.

Conferees on part of the House,
CHARLIE BRITNELL,
LOGAN,
BEN RICHARDSON.

Amend Senate Bill 24 as substituted on Page 2, line 32, following the word "projects." by inserting the following words Further it is the intent of the legislature that community water systems shall not be required to participate in programs authorized by this act.

Further amend Senate Bill 24 as substituted on Page 9, line 11, by inserting the word only between the word "repay" and the word "the".

Further amend Senate Bill 24 as substituted on Page 11 by striking the language beginning with the word "Provided" on line 27 and ending with the word "agreement." on line 32.

Amend S. B. 24 as substituted, on page 9, line 31, after the semi-colon by adding the following language:

provided, however, that all members of said community water system shall be notified of the proposed contract with the authority, specifically stating the obligations and pledge of revenue and other terms and conditions of said contract, and provided further that a formal meeting of the community water system be held and a vote be taken prior to the final agreement with the authority being made;

A BILL
TO BE ENTITLED
AN ACT

To create and provide for the incorporation, organization and operation of the Alabama water system assistance authority; to prescribe the powers and functions of the said authority as a public corporation; to authorize the authority to make loans or grants to public water systems and to issue bonds; to establish a special "water supply assistance fund"; to provide for a legislative oversight committee to monitor such authority; to provide that the revenues accruing to the Alabama water system assistance authority from bonds issued by such authority shall be deposited in a certain fund to be operated by the state treasury; and to provide for state assistance to and cooperation with community water systems in financing projects that would focus on locating, developing and sustaining adequate potable water supplies for the citizens of this state.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following words and phrases, whenever used in this act, shall have the following respective meanings unless the context clearly indicates otherwise:

(1) **AUTHORITY.** The corporation organized pursuant to the provisions of this act as a public corporation, agency and instrumentality of the state and known as the "Alabama water system assistance authority."

(2) **AUTHORIZING RESOLUTION.** A resolution or order adopted by the board of directors of the authority authorizing the issuance of bonds by the authority pursuant to this act.

(3) **BOARD OF DIRECTORS.** The board of directors of the Alabama water system assistance authority.

(4) **BONDS.** The "water system assistance bonds," notes or obligations or other evidences of indebtedness issued by the authority under the provisions of this act.

(5) **BOND PROCEEDS.** The direct proceeds of sale of bonds or notes, and the income derived from the investment of such proceeds.

(6) **COMMUNITY WATER SYSTEM.** A public water system as defined in Section 22-23-31(12) of the Code of Alabama 1975.

(7) **DEPARTMENT.** The department of economic and community affairs or any successor.

(8) **PROJECT(S).** Research and development, site purchase and preparation, initial construction, expansion or renovation of water supply facilities.

Section 2. It is the intent of the legislature acting by and through the authority and the department to aid, assist and coordinate existing community water systems in locating, developing and sustaining adequate potable water supplies for the citizens of this state and to this end to authorize the incorporation of a state authority with power and authority to issue water system assistance bonds, as may be necessary, from time to time, to finance community water system projects.

Section 3. The governor, the director of the department of economic and community affairs, the director of finance, one member of the House of Representatives appointed by the Speaker, and one member of the Senate appointed by the Lieutenant Governor may become a public corporation to be known as the Alabama water system assistance authority with the power and authority hereinafter provided, by proceeding according to the provisions of this act. Provided, however, that actions taken by such authority shall be monitored, from time to time, by a special "Water assistance legislative oversight committee" composed of three members of the House of Representatives appointed by the Speaker of the House and three senators appointed by the Lieutenant Governor. Members of the legislature serving on this oversight committee shall be entitled to their regular legislative per diem and travel expenses on such committee's meeting days. The Lieutenant Governor shall appoint a chairperson for such committee and the Speaker of the House shall appoint the vice-chairperson. Such committee shall meet, from time to time, on request of either the chairperson or the authority. The Lieutenant Governor and the Speaker of the House shall make the appointments to the authority and the Water assistance legislative oversight committee within fifteen days of the effective date of this act.

Section 4. There is hereby established a special fund within the state treasury to be known as the "water supply assistance fund." Proceeds from the sale of bonds issued by the authority shall be deposited in this special "water supply assistance fund." Money in such fund shall be expended in accordance with adopted regulations and policies of the authority and may be used to provide a loan or loans for community water system supply projects or to refinance debt of community water systems or to secure principal and interest on bonds issued by the authority. Money not currently needed

for the operation of the water supply assistance fund may be invested, from time to time, by the board and all interest earned on such investments shall be credited to the water supply assistance fund.

Section 5. (a) To become a corporation, the governor, the director of the department, the director of finance, and the two legislators appointed to the authority in Section 3 of this Act shall present to the secretary of state of Alabama an application signed by them which shall set forth:

(1) The name, official designation and official residence of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office;

(2) The date on which each applicant was inducted into office and the term of office of each of the applicants;

(3) The name of the proposed corporation, which shall be the "Alabama water system assistance authority";

(4) The location of the principal office of the proposed corporation; and

(5) Any other matter relating to the incorporation which the applicants may choose to insert and which is not inconsistent with this act or any other laws of the state. The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of this state to take acknowledgments to deeds. The secretary of state shall examine the application; and if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

When the application has been made, filed and recorded as herein provided, the applicants shall constitute a corporation under the name proposed in the application, and the secretary of state shall make and issue to the applicants a certificate of incorporation pursuant to this act, under the great seal of the state, and shall record the certificate with the application. There shall be no fees paid to the secretary of state for any work done in connection with the incorporation or dissolution of the authority.

(b) The applicants named in the application and their respective successors in office shall constitute the members of the authority. The governor shall be the president of the authority, the director of the department shall be the vice-president thereof, and the director of finance shall be the secretary thereof. The members of the authority shall constitute all the members of the board of directors of the authority, and any three members of the said board of directors shall constitute a quorum for the transaction of business. Should any person holding any state office named in this section cease to hold such office by reasons of death, resignation, expiration of his term of office or for any other reasons, then his successor in office shall take his place as a member, officer or director of the authority. No member, officer or director of the authority shall draw any salary, in addition to that now authorized by law, for any service he may render or for any duty he may perform in connection with the authority.

(c) All proceedings had and done by the board of directors shall be reduced to writing by the secretary of the authority, shall be signed by at least three members of the authority and shall be recorded in a substantially bound book and filed in the office of the secretary. Copies of such proceedings, when certified by the secretary of the authority, under the seal of the

authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

Section 6. (a) The Authority shall have the following powers, among others specified by this act:

(1) To have succession in its corporate name until the principal of and interest on all bonds issued by it shall have been fully paid;

(2) To sue and be sued and to prosecute and defend, at law and in equity, in any court having jurisdiction of the subject matter and of the parties thereto;

(3) To have and to use a corporate seal and to alter such seal at pleasure;

(4) To establish a fiscal year;

(5) To construct and operate or lease to or from any community water system;

(6) To execute agreements effectively obligating the authority to agree to pay and to pay such portion of the estimated reasonable cost of the project of each community water system as may be required to meet the water supply goals of the state;

(7) To issue bonds or other obligations provided such proceeds are deposited in a special "water supply assistance fund" within the state treasury;

(8) To enter into such agreements in connection with the sale of its bonds as the board shall determine, including arrangements for letters of credit, bond insurance or other credit enhancement devices, provided that no such arrangement shall obligate funds of the authority other than as provided in this act;

(9) To appoint and employ such attorneys, financial advisors, agents and employees as the business of the authority may require; and

(10) To promulgate and establish guidelines and procedures relating to loans or grants by the authority including but not necessarily limited to limits on the amounts of such loans or grants and eligibility requirements for such loans or grants.

(b) The authority shall use accounting, audit, and fiscal procedures conforming to generally accepted government accounting standards.

(c) The governor shall deliver an annual report of the authority to the legislature.

Section 7. For the purpose of providing funds for the authority to make loans to community water systems for a project or projects, or to refinance debt of community water systems or for the payment of obligations incurred or temporary loans made for any of said purposes, the authority is hereby authorized, from time to time, to issue and sell its bonds or other evidences of indebtedness. Such bonds may be issued in one or more series; shall be in such form and denominations and of such terms and maturities, not exceeding 35 years from the date of issue of each series; shall bear such rate or rates of interest, payable and evidenced in such manner; may contain such provisions for registration or for redemption prior to maturity; and may contain such other provisions not inconsistent herewith, all as may be provided by the authorizing resolution. As security for the payment of the principal of and interest on its bonds, the authority is authorized to pledge,

transfer and assign any obligations of each community water system, payable to the authority and the security for such obligation.

Section 8. The bonds and other evidences of indebtedness of the authority may be sold at such time or times as the board of directors may deem advantageous. The bonds shall be sold by competitive sale unless because of market conditions and/or credit structures such a sale would be disadvantageous to the state. In the event such a determination is made by the board of directors, the bonds shall be sold through a negotiated sale and the managing underwriter(s) shall be selected based on criteria, which shall include but not be limited to, experience, ability, responsiveness, and fee structure. Said criteria shall be established by the board of directors and shall be included in a request for proposals for the managing underwriter(s). Bonds sold at public sale shall be awarded to the bidder whose bid reflects the lowest true interest cost to the authority for the bonds being sold, computed to their respective absolute maturities; provided, that if no bid acceptable to the authority is received, it may reject all bids and readvertise. Notice of any public sale shall be given by such publication or by such distribution of notices of sale or both, as the board of directors may determine subject to state law. The authority may pay from the proceeds of the sale of its bonds all expenses, including publication and printing charges, attorney's fees, financial advisory fees, and other expenses which the board of directors may deem necessary or advantageous in connection with the authorization, advertisement, sale, execution and issuance thereof.

Section 9. In anticipation of the issuance of bonds, the authority may borrow such sums as may be needed for any of the aforesaid purposes and to obligate itself by certificate or promissory note, bearing interest at a rate or rates to be specified by the authority, and maturing within 18 months from the date of such certificate or promissory note. Such certificates or promissory notes shall be payable solely from the proceeds of the bonds of the authority and from the funds from which such bonds are payable. In the event that authority funds are not available for a loan for a project when application is made, in order to accelerate the completion of any project, a community water system may, with the approval of the authority, obligate such community water system to provide local funds to pay that portion of the cost of the project which the authority will make available by loan, and the authority shall refund the amount expended on its behalf by such water system.

Section 10. The authority may, from time to time, issue and sell its refunding bonds for the purpose of refunding any matured or unmatured bonds of the authority at the time outstanding and any premiums necessary to be paid to redeem any bonds so to be refunded. The holders of such refunding bonds shall be subrogated and entitled to all priorities, rights and pledges to which the bonds refunded thereby were entitled.

Section 11. (a) In order to provide for the funding of the loan by the authority for a project to a community water system, such water system shall establish a dedicated source of revenue to repay the monies received from the authority and to provide for operation, maintenance and equipment replacement expenses. Such water system is hereby authorized and empowered, any existing statute to the contrary notwithstanding, to do and perform any one or more of the following:

- (1) To obligate itself to pay to the authority at periodic intervals a sum sufficient to provide bond debt service with respect to the bonds of the authority issued to fund the loan for such project and to pay over such debt

service to the account of the project for deposit to the water supply assistance fund;

(2) To levy, collect and pay over to the authority and to obligate itself to continue to levy, collect and pay over to the authority the proceeds of any one or more of the following:

- a. Any water supply service fee or charge; and
- b. Other revenue available to the community water system;

(3) To undertake and obligate itself to pay its contractual obligation to the authority solely from the proceeds from any one or more of the sources specified in subdivision (2) above, or to impose upon, itself a general obligation pledge, if appropriate, to the authority additionally secured by a pledge of any one or more of such sources;

(4) To obligate itself to continue to levy and collect such revenues, fees and charges as shall equal not less than 110 percent nor more than 125 percent, as determined by the authority of the maximum principal and interest maturing and coming due in any one year on the bonds issued by the authority to fund a loan for the project; and

(5) To enter into such agreements, to perform such acts and to delegate such functions and duties as its governing body shall determine to be necessary or desirable to enable the authority to fund a loan to the community water system to aid it in the construction or acquisition of a project.

(b) In the event of default, the authority may utilize all available remedies under state law.

(c) All loans made by the authority shall provide that repayment of such loans shall be made in accordance with guidelines for such repayment made by the authority.

(d) The recipients of loans shall maintain project accounts in accordance with generally accepted government accounting standards.

Section 12. The state treasurer may invest any idle or surplus moneys of the state in bonds of the authority. The governing body of any county or municipality is authorized in its discretion to invest any idle or surplus money held in its treasury in bonds of the authority. Such bonds shall be legal investments for executors, administrators, trustees and other fiduciaries, unless otherwise directed by the court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's authority, and for savings banks and insurance companies organized under the laws of the state.

Section 13. All bonds or other indebtedness of the authority and the coupons applicable thereto and the income therefrom and all projects or parts thereof and all assets of the authority shall be forever exempt from any and all taxation in the state.

Section 14. All securities issued by the authority shall be exempt from the laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation, the provisions of chapter 8 of Title 8, Code of Alabama 1975.

Section 15. This act is intended to aid the state through the furtherance of its purposes by providing an appropriate and independent instrumentality

of the state with full and adequate powers to fulfill its functions. Except as expressly provided in this act, no proceeding, notice or approval shall be required for the incorporation of the authority, the purchase of any loans or the making of any loan to a community water system, the issuance of any bonds, or the exercise of any other of its powers by the authority.

Section 16. All bonds issued by the authority, while registered, shall be construed to be negotiable instruments even though they are payable from a limited source. All coupons applicable to any bonds issued by the authority, while the applicable bonds are registered as to both principal and interest, shall likewise be construed to be negotiable instruments although payable from a limited source.

Section 17. All bonds, notes and certificates issued by the authority shall be solely and exclusively obligations of the authority, payable solely from the revenues, income, fees or charges which may pursuant to the provisions of this act, be pledged to the payment thereof, and no such bonds, notes or certificates shall create an obligation or debt of the state. Provided, however, that an agreement by the authority to make a loan to a community water system for a project shall impose an obligation on the state to make such loan from any funds which are then or may thereafter become available regardless of the funding of the loan by the community water system and subject only to any terms and conditions set forth in such agreement.

Section 18. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 19. All laws or parts of laws which conflict with this act are hereby repealed.

Section 20. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SENATE MESSAGE

On motion of Rep. Britnell, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 24, said Report being set out in the above and foregoing Message from the Senate.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Campbell, Carothers, Carter, Coburn, Cosby, Crow, Curry, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Junkins, Knight, Kvalheim, Laird, Layson, Lindsey, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Richardson, Seibels, Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—85

And the bill, S. 24 as amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Campbell, Carothers, Carter, Coburn, Cosby, Crow, Curry, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Seibels, Spratt, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—91

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 186. To provide for the establishment and operation of an Alabama Chiropractor's Hall of Fame Board, and to prescribe its powers and duties.

Also:

H. 201. This bill amends Section 22-21-24, Code of Alabama, 1975, by increasing the fees for the license for health care facilities.

Also:

H. 12. To amend Section 16-3-9, Code of Alabama 1975, which provides for the expense allowance for members of the state board of education, so as to increase said allowance.

Also:

H. 148. To provide that any member of the teachers' or employees' retirement system of Alabama not presently covered by a provision to convert unused sick leave into membership service for purposes of service retirement may do so under the provisions of §36-26-36.1 provided that no employee of an employer participating pursuant to §36-27-6 of the Code of Alabama 1975 shall be entitled to the benefits provided in this act unless such employer elects to come under the provisions of said act.

Also:

H. 8. To amend Article 19 of Chapter 4 of Title 10 of the Code of Alabama (1975), as amended, the Revised Alabama Professional Corporation Act, by amending Sections 10-4-383, 10-4-387, 10-4-389, and 10-4-403 of the Code of Alabama (1975), as amended to determine the date of disqualification of shareholders; to allow corporations in existence December 31, 1983 in which licensed medical and dental professionals were allowed to be shareholders under Section 10-4-235, Code of Alabama (1975), to continue and to permit licensed medical and dental professionals to be allowed to be

shareholders in the same professional corporation; permit professional associations in existence December 31, 1983 to continue to use the name professional associations or the abbreviation P.A.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

And the bill:

S. 222. Relating to Franklin County; authorizing and providing for the incorporation of the Franklin County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages

and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Was taken up.

AMENDMENT OFFERED

Rep. Britnell offered the following amendment to the bill, S. 222:

Amend S. 222 as follows:

On page 5, line 22, delete the following language: "for the initial eight years of operation"

On page 12, line 29, delete the word "shall" and insert in lieu thereof the following word: may

On page 14, lines 26 through 28 delete the following language: "and at its option to provide a system of disability pay, retirement compensation and pensions or any of them"

On page 19, delete subsection (g) on lines 11 through 17 in its entirety.

On page 24, delete lines 28 through 34 in their entirety and on page 25, delete lines 1 through 3 in their entirety.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Carothers, Carter, Coburn, Cosby, Crow, Curry, Dillard, Drake, Escott, Faulk, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Harvey, Haynes, Headley, Hettinger, Hill, Hogan, Hooper, Johnson (RG), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Perdue, Petelos, Poole, Rains, Reed, Richardson, Slaughter, Spratt, Starkey, Thomas, Turnham, Walker, Warren, White (G), Willis, Wright and Zoghby.

—71

And the bill, S. 222 as thus amended, was read a third time at length and passed.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Beasley, Beers, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Buskey (JL), Campbell, Carothers, Carter, Coburn,

Curry, Dillard, Drake, Faulk, Ford, Freeman, Gaston, Gray, Grouby, Hall, Hamilton, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Junkins, Knight, Laird, Layson, Lindsey, Logan, Mathis, McClain, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Starkey, Thomas, Turnham, Walker, Warren, White (G), Williams, Willis, Wright and Zoghby.

—69

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Burke to suspend the rules in order to take up out of order the bill, S. 204, was lost, lacking a four-fifths vote.

Yeas 11; Nays 8.

Yeas:

Reps. Adams, Blake, Breedlove, Burke, Cosby, Junkins, Laird, Layson, Lindsey, Richardson and Turnham.

—11

Nays:

Reps. Bowling, Brooks, Buskey (JL), Freeman, Grayson, Holmes, McDowell and Rogers.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 240. To amend Section 41-9-341, Code of Alabama, 1975, which relates to reimbursement of expenses of members of the USS Alabama Battleship Commission, so as to allow members to be reimbursed for actual expenses incurred from funds of the Commission and to amend Section 41-9-349, Code of Alabama, 1975, which relates to the powers of the USS Alabama Battleship Commission, so as to authorize the Commission to lease certain of its lands in furtherance of the purposes for which the Commission was organized.

Also:

H. 279. To amend Sections 10-2A-114, 10-2A-116, 10-2A-180, 10-2A-183, 10-2A-191, 10-2A-260, 10-2A-261, 10-2A-281 and 10-2A-282, Code of Alabama, 1975, so as to create the Secretary of State Corporations Fund, to provide for fees relating to corporations, to provide that the Secretary of

State be provided copies of certain corporations filings, and to provide an appropriation from the Secretary of State Corporation Fund for the fiscal year 1988-89.

Also:

H. 9. To revise the law on powers contained in mortgages on real estate and to provide: definitions; foreclosure by power of sale; minimum standards for notice of sale; method of conducting foreclosure by power of sale; and successive sales under power permitted. This Act applies only to mortgages, defined herein, executed on or after the effective date of this Act which is January 1, 1989.

Also:

H. 219. To prohibit any state or county inmate from being employed by any district attorney, judge, or sheriff, or any parent, sibling, or child of any district attorney, judge, or sheriff, or for any business one-third or more of which is owned by any district attorney, judge, or sheriff, or any parent, sibling, or child of any district attorney, judge, or sheriff; and to provide a misdemeanor penalty.

Also:

H. 133. To amend Sections 17-13-7, 17-16-35, 17-16-36, 17-17-2, 17-19-4, and 17-20-3, Code of Alabama, 1975, relating to the reporting of election results to the secretary of state so as to stipulate that the results will be reported by precincts.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 61. To amend the Alabama Trademark Act to include the registrability of business tradenames thereby creating an "Alabama Trademark and Tradename Act" by amending sections 8-12-6, 8-12-7, 8-12-8, 8-12-9, 8-12-14, 8-12-16, and 8-12-17 of the Code of Alabama 1975. Further to provide for transition provisions for existing trademarks and an effective date of January 1, 1989.

Also:

H. 221. To provide further for the revision of the guardianship laws of this state by amending Sections 1-106, 1-107, 2-104, 2-309, and 2-313 of

the Alabama Uniform Guardianship and Protective Proceedings Act, Act No. 87-590, H. 233, which sections appear respectively as sections 26-2A-6, 26-2A-7, 26-2A-73, 26-2A-138, 26-2A-142, and 26-2A-8 of the Code of Alabama 1975.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 142. COMMENDING LILLIAN PUGH ANDREWS FOR DISTINGUISHED SERVICE AND ACHIEVEMENT.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Marks would have voted "Yea" on the bill, S. 8, had he been in the Chamber at the time of voting.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 196. To amend section 29-2-41, Code of Alabama 1975, which relates to the Contract Review Permanent Legislative Oversight Committee, so as to provide further for the committee's authority to review state contracts.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 103. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1987 Regular Session of the Legislature, as contained in the 1987 Cumulative Supplement to certain volumes of the Code and in the 1987 Replacement Volumes 7, 7A and 13 of the Code; to make corrections in certain volumes of such cumulative supplement and replacement volume 13; and to reorganize Article 5, Chapter 12, Title 13A, and Chapter 2, Title 20, as appearing in Volumes 12 and 14, respectively, of such cumulative supplement, so as to place the principal drug crime statutes in Title 13A, the Alabama Criminal Code.

Also:

S. 210. To amend Sections 36-27A-1 and 36-27A-5, Code of Alabama 1975, so as to allow public officials or employees of the State of Alabama, or any political subdivision thereof, to participate in the Public Employees' Individual Retirement Account Fund and to provide for additional nondeductible contributions.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 51. To amend §16-8-3 and §16-8-4, Code of Alabama, 1975, relating to the scheduling of regular meetings and annual public meetings of county boards of education.

Also:

S. 99. To provide for the establishment of a fund from which survivor allowances for spouses of deceased district or supernumerary district attorneys shall be paid; to provide requirements for eligibility for receipt of such

benefits; to provide funding for the proper operations and maintenance of such fund; and to provide for the management of such fund.

Also:

S. 128. To provide for the appointment of a chief deputy tax collector by the elected Jefferson County tax collector and to provide for compensation, funding and qualifications of said chief deputy.

Also:

S. 137. To amend Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, approved September 18, 1973, as amended, to provide for the participation of the unclassified employees of the City of Birmingham in the retirement and relief system of the City of Birmingham and to provide for related matters.

Also:

S. 138. To amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended, which created a retirement system for officers and employees in cities of two hundred thousand or more inhabitants according to the latest federal decennial census, so as to provide further for the payments of benefits during periods of re-employment.

Also:

S. 139. To amend Act No. 453 of the 1967 Regular Session of the Legislature of Alabama, (1967 Acts of Alabama, page 1129), as amended by Act No. 393 of the 1975 Regular Session of the Legislature of Alabama, said acts providing a pension and relief fund for officers and employees of the library board of any city having a population of three hundred thousand or more according to the last and any subsequent federal census, said act applicable to the officers and employees of the Birmingham Public Library System, to provide for the participation of the employees of the library board who are currently entitled to participate in the unclassified pension relief plan of the City of Birmingham to participate in the Birmingham Library Board Employees Pension and Relief Fund and to provide for related matters.

Also:

S. 140. To amend section 11-52-32 of the Code of Alabama 1975 relating to planning, zoning and subdivisions, so as to provide further for the planning commissions of Class 1 municipalities to elect no less than three and no more than five of the members thereof to serve as a committee to approve or disapprove any plat presented to such commission.

Also:

S. 151. To amend Sections 16-6A-12 and 16-6A-13, Code of Alabama 1975, which provide for the Educational Reform Act of 1984, so as to provide further for eligibility for and repayment of scholarship loans for teacher education programs in critical needs areas.

Also:

S. 165. To amend Sections 34-33-1, 34-33-2, 34-33-3, 34-33-4, 34-33-5, 34-33-6 and 34-33-10 of the Code of Alabama 1975, relating to fire

protection sprinkler systems, so as to redefine such systems and to further regulate the fire protection sprinkler system business in this state.

Also:

S. 193. To amend the Alabama Trademark Act to include the registrability of business trade names thereby creating an "Alabama Trademark and Trade Name Act" by amending sections 8-12-6, 8-12-7, 8-12-8, 8-12-9, 8-12-14, 8-12-16, and 8-12-17 of the Code of Alabama 1975; to provide for transition of existing trademarks; and to provide for an effective date of January 1, 1989.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

REPORT OF CONFERENCE COMMITTEE

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 142, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

BOBBY C. CROW,
BOB HENRY,
STEVE FLOWERS,

Conferees on the Part of the House.

FRED HORN,
EARL GOODWIN,
CHARLES D. LANGFORD,

Conferees on the Part of the Senate.

A BILL TO BE ENTITLED AN ACT

To amend section 32-7-4, Code of Alabama 1975, relating to fees for abstracts of driving records, so as to increase the fee for an abstract of a driving record from \$4.00 to \$5.75.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-7-4, Code of Alabama 1975, is hereby amended to read as follows:

"Section 32-7-4.

"The director shall upon request furnish any person an abstract of the operating record of any person subject to the provisions of this chapter, which abstract shall also fully designate the motor vehicle, if any, registered

in the name of such person, and, if there shall be no record of any convictions of such person of violating any law relating to the operation of a motor vehicle or any injury or damage caused by such person, the director shall so certify. The director shall collect for such abstract the sum of \$4.00 ~~\$5.75~~."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

CONFERENCE COMMITTEE REPORT ADOPTED

On motion of Rep. Crow, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 142, said Report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 65; Nays 10.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Bryant, Buskey (JL), Campbell, Carothers, Carter, Clark (W), Crow, Davis, Dillard, Escott, Faulk, Flowers, Ford, Freeman, Gaston, Goodwin, Grayson, Grouby, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holmes, Johnson (RG), Kvalheim, Logan, Marietta, Marks, Mathis, McClain, Mikell, Moon, Newman, Newton, Penry, Perdue, Petelos, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, White (G), White (L), Willis and Zoghby.

—65

Nays:

Reps. Biddle, Brooks, Buskey (JE), Frazier, Gray, Junkins, Laird, Melton, Parker and Payne.

—10

And the bill:

H. 142. To amend section 32-7-4, Code of Alabama 1975, relating to fees for abstracts of driving records, so as to increase the fee for an abstract of a driving record from \$4.00 to \$5.50.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 52; Nays 23.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Bowling, Box, Breedlove, Britnell, Bryant, Buskey (JL), Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Davis, Dillard, Escott, Faulk, Gaston, Grouby, Hammett, Harper, Headley, Hettinger, Higginbotham, Hill, Hogan, Kvalheim, Lindsey, Marietta, Marks, Mathis, Moon, Newman, Newton, Penry, Perdue, Petelos, Reed, Seibels, Spratt, Starkey, Thomas, Turnham, White (G), White (L), Williams, Willis and Zoghby.

—52

Nays:

Reps. Biddle, Brooks, Buskey (JE), Flowers, Ford, Frazier, Freeman, Gray, Hall, Harvey, Haynes, Holmes, Hooper, Johnson (RG), Junkins, Laird, Layson, Melton, Parker, Payne, Poole, Warren and Wright.

—23

MESSAGE FROM THE GOVERNOR

To the House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 42, without the Governor's signature and with a suggested Executive Amendment.

Done this 22nd day of September, 1988.

Respectfully submitted,

JAMES F. REDDOCH, JR.,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To the House of Representatives of Alabama
Alabama State House
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 42, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE BILL NUMBER 42:

On page 1, line 13, after the semi-colon and continuing on to line 14, delete the words "~~to provide for the retention of accrued interest;~~".

On page 2, line 13, delete the words "~~including accrued interest~~".

On page 3, lines 14 through 17, delete Section 6 in its entirety and renumber all subsequent sections accordingly.

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 22nd day of September, 1988.

Respectfully,

GUY HUNT,
Governor.

GOVERNOR'S MESSAGE

On motion of Rep. Harper, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 42,

said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 92; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Ford, Frazier, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Payne, Penry, Perdue, Petelos, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—92

Nay: Rep. Parker.

—1

And the bill:

H. 42. To provide for the creation of a special account to which the Legislature shall appropriate certain funds to prevent proration in the Alabama Special Educational Trust Fund; to prescribe criteria and procedures for withdrawals from such account in years of proration or in emergency situations as may be determined by the Legislature; to make annual appropriations to such account until a certain amount is established and to provide that such amount shall be maintained in separate trust from year to year except during years of proration in the Alabama Special Educational Trust Fund and in emergencies; to prescribe procedures and criteria for reimbursement to such account after withdrawals; to provide for the retention of accrued interest; to provide for an effective date; and to repeal conflicting provisions.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 91; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton, Payne, Perdue, Petelos, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Turnham, Venable, Warren, White (F), White (G), White (L), Willis, Wright and Zoghby.

—91

Nay: Rep. Parker.

—1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 163. COMMENDING C. J. HALLMARK FOR DISTINGUISHED SERVICE WITH THE TALLADEGA COUNTY SHERIFF'S DEPARTMENT.

McDOWELL LEE,
Secretary.

REPORT OF COMMITTEE ON CONFERENCE

HOUSE BILL 34

We, the Committee of Conference appointed to reconcile the differences between the two Houses concerning House Bill 34, have met and considered the matter referred and beg leave to report as follows:

Said Conference Committee recommends House Bill 34 pass as reported by the Senate.

Conferees on part of the House,

TAYLOR HARPER,
YVONNE KENNEDY,
DEWAYNE FREEMAN.

Conferees on part of the Senate,

s/ JOHN RICE,
JOHN RICE

s/ EARL HILLIARD,

s/ GERALD DIAL,
GERALD DIAL

CONFERENCE COMMITTEE REPORT ADOPTED

On motion of Rep. Harper, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 34, said Report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 81; Nays 14.

Yeas:

Mr. Speaker, Beasley, Beers, Biddle, Black, Blake, Bowling, Britnell, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McKee, Melton, Mikell, Newton, Parker, Payne, Perdue, Poole, Reed, Richardson, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

Nays:

Reps. Adams, Breedlove, Brooks, Freeman, Gray, Hamilton, Hammett, Hettinger, Kvalheim, McMillan, Moon, Newman, Penry and Venable.

—14

And the bill:

H. 34. To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 90; Nays 7.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Laird, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Perdue, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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Nays:

Reps. Brooks, Freeman, Gray, Hettinger, Kvalheim, McMillan and Penry.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 163. COMMENDING C. J. HALLMARK FOR DISTINGUISHED SERVICE WITH THE TALLADEGA COUNTY SHERIFF'S DEPARTMENT.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length

having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Britnell:

H. R. 216. COMMENDING GOVERNOR GEORGE C. WALLACE FOR HIS ROLE IN THE ESTABLISHMENT OF THE ALABAMA COLLEGE SYSTEM.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendments to the following Senate Bills:

S. 222. Relating to Franklin County; authorizing and providing for the incorporation of the Franklin County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages

and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

McDOWELL LEE,
Secretary.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Starkey, House Rule 6(2) was suspended in order to receive the bill, H. 16 with Senate amendment.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 16. To amend Section 37-1-47 of the Code of Alabama 1975, relating to Public Service Commission intervention in certain federal proceedings, so as to provide further for participation in federal proceedings by the Public Service Commission.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Starkey, the House concurred in and adopted the Senate amendment to the bill, H. 16, said Senate amendment being as follows:

Amend H. B. 16 at Page 1, line 40 by adding at the end of that section after the word "Alabama." the following:

"Nothing in this section shall be deemed to permit such intervention, initiation, or participation in any litigation, hearings, or proceedings involving municipal utilities, cooperatives, electric membership corporations, and other similar membership corporations, including specifically, but not by way of limitation, those such entities referred to in chapters 50 and 50A of Title 11, chapters 6 and 7 of Title 37, and chapter 7 of Title 39, Code of Alabama 1975, as amended."

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Bryant, Bugg, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson,

Grouby, Hall, Hamilton, Hammett, Harvey, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

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REPORT OF CONFERENCE COMMITTEE

We, the Committee on Conference, appointed to reconcile the differences of the two houses concerning House Bill 18, have met in conference and have agreed to accept the attached substitute which is made a part of this report as is fully set out herein.

TAYLOR HARPER,
J. E. TURNER,
TOM COBURN,

Conferees on the Part of the House.

FRED HORN,
JIM PREUITT,
BILL DRINKARD,

Conferees on the Part of the Senate.

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 40-23-2, 40-23-61, 40-23-101 and 40-23-102, Code of Alabama 1975, which levy sales and use taxes on automotive vehicles, truck trailers, semitrailers, and house trailers, so as to increase the levy from 1 1/2% to 2% and amends Sections 40-23-35 and 40-23-108 to distribute the additional funds generated to the state general fund.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-23-2, Code of Alabama 1975, is hereby amended to read as follows:

Section 40-23-2.

"There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

(1) Upon every person, firm, or corporation, (including the state of Alabama and its alcoholic beverage control board in the sale of alcoholic beverages of all kinds, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, any association or other agency or instrumentality of such institutions) engaged or continuing within this state, in business of selling at retail any tangible personal property

whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks, nor sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships and other watercraft of over 50 tons burden), an amount equal to four percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business.

Where any used part including tires of an automotive vehicle or a truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or rebuilt part or tire, the tax levied herein shall be paid on the net difference, that is, the price of the new or used part or tire sold less the credit for the used part or tire taken in trade, provided, however, this provision shall not be construed to include batteries.

(2) Upon every person, firm or corporation engaged or continuing within this state in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests, conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, or county, or a municipal institution, or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the state of Alabama, an amount equal to four percent of the gross receipts of any such business.

(3) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount equal to one and one-half percent of the gross proceeds of the sale of such machines; provided, that the term "machines," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(4) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail any automotive vehicle or truck trailer, semitrailer or house trailer, an amount equal to ~~one and one-half~~ two percent of the gross proceeds of sale of said automotive vehicle or truck trailer, semitrailer, or house trailer, provided, however, where a person subject to the tax provided for in this subdivision withdraws from his stock in trade any automotive vehicle or truck trailer, semitrailer or house trailer for use

by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of \$5.00 per year or part thereof during which such automotive vehicle, truck trailer, semitrailer or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the case may be of such withdrawal and shall run for the 12 succeeding months or part thereof during which such automotive vehicle, truck trailer, semitrailer or house trailer shall remain the property of such person.

Where any used automotive vehicle or truck trailer, semitrailer or house trailer is taken in trade or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

Sales of automobiles, trucks, truck trailers, or semitrailers that will be registered or titled outside Alabama, that are exported or removed from Alabama within 72 hours by the purchaser or his agent for first use outside Alabama are not subject to the Alabama sales tax. Sales of other vehicles such as mobile homes, motorcycles, motor bikes, all terrain vehicles, and boats do not qualify for the export exemption provision and are taxable unless the dealer can provide factual evidence that the vehicle was delivered outside of Alabama or to a common carrier for transportation outside Alabama. In order for the sale to be exempt from Alabama tax, the information relative to the exempt sale must be documented on forms approved by the Revenue Department.

Of the total \$.02 tax on each dollar of sale provided hereunder, \$.015 or 75% of the total tax generated by this paragraph (4) shall be deposited to the credit of the Alabama special educational trust fund; and \$.005, or 25% of the total tax generated by this paragraph (4) shall be deposited to the credit of the State General Fund.

(5) Upon every person, firm or corporation engaged or continuing within this state in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, there is hereby levied a tax equal to three percent of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subdivision shall be the gross proceeds of sales of such business."

Section 2. Section 40-23-35, Code of Alabama 1975, is hereby amended to read as follows:

Section 40-23-35.

"(a) Such amount of money as shall be appropriated for each fiscal year by the legislature to the department of revenue with which to pay the salaries, the cost of operation and management of said department shall be deducted, as a first charge thereon, from the taxes collected under the provisions of this division; provided, that the expenditure of said sum so appropriated shall be budgeted and allotted pursuant to article 4 of chapter 4 of Title 41 of this Code, and limited to the amount appropriated to defray the expenses of operating said department for each fiscal year. After the payment of the expenses, so much of the amount remaining as may be necessary, after first applying all sums of money received by reason of the application of the surplus in the income tax as provided by section 40-18-58, for the replacement

in the public school fund of the three-mill constitutional levy for schools and in the general fund of the one-mill levy for soldiers' relief and the two and one-half mills for general purposes lost by exemption of homestead provided for in this division shall be first charges against the proceeds of said licenses, taxes or receipts levied or collected under this division. The comptroller, with the approval of the governor, is hereby directed to draw his warrants payable out of the total proceeds of said licenses, taxes or receipts levied or collected under this division as herein provided in such sum as shall be found necessary to take care of and replace the three-mill constitutional school levy, the one-mill soldiers' relief levy and the two and one-half mill levy for general purposes of the state ad valorem taxes lost as above set forth.

(b) If Of the amounts of such collections in any fiscal year, remaining after the payment of the expenses of administration and replacement of the amounts in the several funds as herein provided, is equal to \$4,200,000.00, the sum of \$378,000.00 there shall be paid into the treasury sums to be credited as follows:

(1) to the credit of the 67 counties of the state, to be divided and distributed as hereinafter provided, \$378,000.00;

(2) to the department of human resources, \$1,322,000.00;

~~If the amount of such collections in any fiscal year, remaining after the payment of expenses of administration, and the replacement of the amounts in the several funds derived from the state six and one half mill tax, as herein provided, is less than \$4,200,000.00, then an amount equal to nine percent thereof shall be paid into the treasury to the credit of the 67 counties of the state to be divided and distributed as hereinafter provided.~~

(c) ~~The One-half of the amount deposited to the credit of the 67 counties as above provided, which in no one fiscal year shall exceed nine percent of the amount of collections remaining after the payment of the expenses and charges herein first required to be paid, nor shall it in any event exceed the sum of \$378,000.00 for any one fiscal year, shall be divided and distributed as follows: One half of said proceeds shall be divided and distributed proportionately among the 67 counties of the state according to the population of the said counties as shown by the last federal census as proclaimed, published or certified by the director of the bureau of the census; and one-half of said proceeds shall be divided or distributed equally among 67 counties; provided, that the funds divided and distributed to the several counties of the state as hereinabove provided for shall be used exclusively for full-time health service in cooperation with the state board of health or the federal government, and for extension services in cooperation with the Alabama agriculture extension service or the federal government, at the discretion of the county commissions of the several counties of the state. If the amount of such collections in any fiscal year, after the payment of the expenses of administration and replacement of the amounts in the several funds as herein provided, is equal to \$4,200,000.00, then the sum of \$672,000.00 shall be paid into the treasury to the credit of the state department of human resources to~~

(d) The amounts provided in subsection (b) for the department of human resources shall be used for general welfare purposes. For purposes of this division, "general welfare purposes" means:

(1) The administration of public assistance as set out in sections 38-2-5 and 38-4-1;

(2) Services, including supplementation and supplementary services under the federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under said section 38-4-1;

(3) Services to and on behalf of dependent, neglected or delinquent children; and

(4) Investigative and referral services to and on behalf of needy persons.

~~If the amount of such collections in any fiscal year, remaining after the expenses of administration and the replacement of the amounts in the several funds derived from the state's six and one half mills tax, as herein provided, is less than \$4,200,000.00, then an amount equal to 16% thereof shall be paid into the treasury to the credit of the state department of human resources to be used for general welfare purposes. If the amount of such collections in any fiscal year, remaining after the payment of the expenses of administration and replacement of the amounts in the several funds as hereinabove provided and distributed, is greater than \$4,200,000.00 then an amount equal to one fourth of such excess shall be paid into the treasury to the credit of the state department of human resources to be used for general welfare purposes; provided, that this one fourth of such excess shall not exceed the sum of \$650,000.00 per annum; and~~

(e) in In addition, there shall be paid, commencing on January 1, 1978, and on the first day of each fiscal quarter thereafter, to the department of human resources for a statewide, state-administered food stamp program, as authorized, by the Food Stamp Act of 1964, Public Law 88-525, 88th Congress, and amendments thereto, an amount equal to five percent of the value of ~~coupons~~ food stamp benefits issued statewide in excess of the amount paid by recipients (bonus or free stamps) during the immediate prior fiscal quarter, which sum so appropriated shall be paid quarterly to the department of human resources trust fund for administration of the food stamp program in conformity with rules and regulations promulgated by the United States department of agriculture and in conformity with sections 38-1-1 through 38-6-9. Such administrative funds shall be limited to and based on fiscal year 1976-77 administrative costs, normal inflationary increases and mandated administration requirements of the Alabama legislature and the United States department of agriculture. The department of human resources will not staff any county food stamp office at a level which exceeds the average staff-to-recipient ratios which existed in Alabama during fiscal year 1976-77. This restriction will apply in coordination with those provided hereinabove and, should conflict occur, the lesser amount of expenditure shall be required. At the end of each fiscal year, an accounting shall be made of said sum so that any unexpended and unencumbered balance of funds may be determined for the purpose of paying such balance to the Alabama special educational trust fund.

(f) The amount of the proceeds of all taxes levied by this division remaining after the payment of the expenses of administration and enforcement and the replacement in the several funds of the amount lost by any homestead exemptions and the distribution to the counties as herein provided in subsections (b) and (e), shall be paid into the Alabama special educational trust fund; except as provided in Sections 40-23-(2)4 and 40-23-61(c).

In this division, "general welfare purposes" means:

~~(1) The administration of the public assistance as set out in sections 38-2-5 and 38-4-1;~~

~~(2) Services, including supplementation and supplementary services under the federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under said section 38-4-1;~~

~~(3) Services to and on behalf of dependent, neglected or delinquent children; and~~

~~(4) Investigative and referral services to and on behalf of needy persons."~~

Section 3. Section 40-23-61, Code of Alabama 1975, is hereby amended to read as follows:

Section 40-23-61.

"(a) An excise tax is hereby imposed on the storage, use or other consumption in this state of tangible personal property, not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of more than 50 tons burden, purchased at retail on or after October 1, 1965, for storage, use or other consumption in this state at the rate of four percent of the sales price of such property or the amount of tax collected by the seller, whichever is greater; provided, however, when the seller follows the department of revenue's suggested use tax brackets and his records prove that his following said brackets resulted in a net undercollection of tax for the month, he may report the tax due or tax collected, whichever is less, except as provided in subsections (b) and (c) of this section.

(b) An excise tax is hereby imposed on the storage, use or other consumption in this state of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, purchased at retail on or after October 1, 1965, at the rate of one and one-half percent of the sales price of any such machine or the amount of tax collected by the seller, whichever is greater; provided, however, when the seller follows the department of revenue's suggested use tax brackets and his records prove that his following said brackets resulted in a net undercollection of tax for the month, he may report the tax due or tax collected, whichever is less; provided, that the term "machine," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(c) An excise tax is hereby imposed on the storage, use or other consumption in this state of any automotive vehicle or truck trailer, semitrailer or house trailer purchased at retail on or after October 1, 1965, for storage, use or other consumption in this state at the rate of ~~one and one-half~~ two percent of the sales price of such automotive vehicle, truck trailer, semitrailer or house trailer or the amount of tax collected by the seller, whichever is greater; provided, however, when the seller follows the department of revenue's suggested use tax brackets and his records prove that his following said brackets resulted in a net undercollection of tax for the month, he may report the tax due or tax collected, whichever is less. Where any used automotive vehicle or truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

Of the total \$.02 tax on each dollar of sale provided hereunder, \$.015 or 75% of the total tax generated by this paragraph (c) shall be deposited to the credit of the Alabama special educational trust fund; and \$.005, or 25% of the total tax generated by this paragraph (c) shall be deposited to the credit of the State General Fund.

(d) Every person storing, using or otherwise consuming in this state tangible personal property purchased at retail shall be liable for the tax imposed by this article, and the liability shall not be extinguished until the tax has been paid to this state; provided, that a receipt from a retailer maintaining a place of business in this state or a retailer authorized by the department, under such rules and regulations as it may prescribe, to collect the tax imposed hereby and who shall for the purpose of this article be regarded as a retailer maintaining a place of business in this state, given to the purchaser in accordance with the provisions of section 40-23-67, shall be sufficient to relieve the purchaser from further liability for tax to which such receipt may refer.

(e) An excise tax is hereby imposed on the classes of tangible personal property, and at the rates imposed on such classes, specified in subsections (a), (b) and (c) of this section, on the storage, use or other consumption in the performance of a contract in this state of any such tangible personal property, new or used, the tax to be measured by the sales price of the fair and reasonable market value of such tangible personal property when put into use in this state, whichever is less; provided, that the tax imposed by this subsection shall not apply where the taxes imposed by subsections (a), (b) or (c) of this section apply."

Section 4. Section 40-23-101, Code of Alabama 1975, is hereby amended to read as follows:

Section 40-23-101.

~~"There is hereby levied and shall be collected as herein provided a sales tax on the sale of any automotive vehicle, truck trailer, semitrailer and house trailer required to be registered or licensed with the judge of probate of any county in this state and purchased other than at wholesale in this state from any person, firm or corporation which is not a licensed dealer engaged in selling automotive vehicles, truck trailers, semitrailers or house trailers, as follows:~~

~~Commencing on and after July 1, 1981, upon upon every person, firm or corporation purchasing other than at wholesale within this state, any automotive vehicle, truck trailer, semitrailer or house trailer required to be registered or licensed with the judge of probate of any county in this state from any person, firm or corporation which is not a licensed dealer engaged in selling automotive vehicles, truck trailers, semitrailers or house trailers an amount equal to one and one-half two percent of the purchase price."~~

Section 5. Section 40-23-102, Code of Alabama 1975, is hereby amended to read as follows:

Section 40-23-102.

~~"There is hereby levied and shall be collected as herein provided in lieu of the excise tax levied by subsection (c) of section 40-23-61, an excise or use tax on the storage, use or other consumption in the state of any automotive vehicle, truck trailer, semitrailer or house trailer required to be registered or licensed with the judge of probate of any county in this state and purchased~~

~~other than at wholesale outside the state on or after July 1, 1981, for storage, use or other consumption in this state as follows:~~

~~Commencing on and after July 1, 1981, upon~~ upon every person, firm or corporation purchasing other than at wholesale outside the state any automotive vehicle, truck trailer, semitrailer or house trailer required to be registered or licensed with the judge or probate of any county in this state for use, storage or other consumption within this state there is levied in lieu of the excise tax levied by subsection (c) of section 40-23-61 a tax in an amount equal to ~~one and one half~~ two percent of the purchase price."

Section 6. Section 40-23-108, Code of Alabama 1975, is hereby amended to read as follows:

Section 40-23-108.

"The tax collector shall, after the deduction of the fee as provided in section 40-23-107, remit the revenue collected hereunder to the department of revenue for deposit as follows:

Of the total \$.02 tax on each dollar of sale, \$.015 or 75% of the total tax generated shall be deposited to the credit of the Alabama special educational trust fund; and \$.005, or 25% of the total tax generated shall be deposited to the credit of the State General Fund."

Section 7. The provisions of this Act are severable. If any part of this Act is declared unconstitutional or invalid, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 9. This Act shall become effective on October 1, 1988.

Amend House Bill 18 on Page 14, line 21, by adding after the word automobiles the following: "motorcycles,"

Further amend House Bill 18 on Page 4, line 26, by deleting the following "motorcycles,"

CONFERENCE COMMITTEE REPORT ADOPTED

On motion of Rep. Turner, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 18, said Report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 68; Nays 23.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Bryant, Buskey (JL), Carothers, Carter, Coburn, Cosby, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Gaston, Gray, Grayson, Hamilton, Hammett, Harper, Harvey, Headley, Holley, Holmes, Hooper, Johnson (RW), Kennedy, Knight, Kvalheim, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Newman, Newton, Payne, Penry, Perdue, Petelos, Rains, Reed, Seibels, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, White (G), White (L), Williams and Zoghby.

Nays:

Reps. Beers, Box, Brooks, Bugg, Ford, Frazier, Freeman, Grouby, Hall, Haynes, Hettinger, Hill, Hogan, Johnson (RG), Junkins, Laird, Melton, Moon, Parker, Poole, Warren, White (F) and Willis.

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And the bill:

H. 18. To amend Sections 40-23-2, 40-23-61, 40-23-101 and 40-23-102, Code of Alabama 1975, which levy sales and use taxes on automotive vehicles, truck trailers, semitrailers, and house trailers, so as to increase the levy from 1 1/2% to 2% and amends Sections 40-23-35 and 40-23-108 to distribute the additional funds generated to the state general fund.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 62; Nays 30.

Yeas:

Mr. Speaker, Adams, Beasley, Black, Blake, Bowling, Breedlove, Britnell, Buskey (JL), Carothers, Carter, Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Grayson, Hamilton, Hammett, Harper, Harvey, Headley, Holley, Holmes, Hooper, Johnson (RW), Kennedy, Knight, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Rains, Reed, Seibels, Spratt, Starkey, Thomas, Turner, Turnham, Venable, White (G), White (L), Williams and Zoghby.

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Nays:

Reps. Beers, Box, Brooks, Bugg, Buskey (JE), Butler, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Haynes, Hettinger, Hill, Hogan, Johnson (RG), Junkins, Kvalheim, Laird, Melton, Moon, Poole, Richardson, Warren, White (F), Willis and Wright.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Marietta, the rules were suspended in order to take up out of order the bill, S. 44.

And the bill:

S. 44. To require pipeline facilities transporting hazardous liquids and/or liquified natural gas (LNG) and facilities used in the liquification of natural gas to comply with certain standards of safety; granting certain additional rights, powers and authority to the Alabama Public Service Commission to carry out the purposes of this Act; prescribing jurisdictions of courts for injunction proceedings; and prescribing monetary sanctions for violations of certain standards of safety.

Was read a third time at length and passed.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Hettinger, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Payne, Penry, Perdue, Poole, Rains, Reed, Richardson, Rogers, Seibels, Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Haynes, the rules were suspended in order to take up out of order the bill, S. 53.

And the bill:

S. 53. Authorizing and empowering the state highway department to set speed limits in urban and rural construction zones along state and interstate highways.

Was read a third time at length and passed.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Black, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Butler, Campbell, Carter, Clark (W), Crow, Curry, Davis, Dillard, Escott, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Hamilton, Hammett, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Layson, Logan, Marks, McDowell, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Petelos, Poole, Rains, Reed, Richardson, Seibels, Slaughter, Spratt, Starkey, Venable, White (G), White (L), Willis, Wright and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 24. To create and provide for the incorporation, organization and operation of the Alabama water system assistance authority; to prescribe the powers and functions of the said authority as a public corporation; to authorize the authority to make loans or grants to public water systems and to issue bonds; to establish a special "water supply assistance fund"; to provide for a legislative oversight committee to monitor such authority; to provide that

the revenues accruing to the Alabama water system assistance authority from bonds issued by such authority shall be deposited in a certain fund to be operated by the state treasury; and to provide for state assistance to and cooperation with community water systems in financing projects that would focus on locating, developing and sustaining adequate potable water supplies for the citizens of this state.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 16. To amend Section 37-1-47 of the Code of Alabama 1975, relating to Public Service Commission intervention in certain federal proceedings, so as to provide further for participation in federal proceedings by the Public Service Commission.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 18. To amend Sections 40-23-2, 40-23-61, 40-23-101 and 40-23-102, Code of Alabama 1975, which levy sales and use taxes on automotive vehicles, truck trailers, semitrailers, and house trailers, so as to increase the levy from 1 1/2% to 2% and amends Sections 40-23-35 and 40-23-108 to distribute the additional funds generated to the state general fund.

FIRST EXTRAORDINARY SESSION
12th Day

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And said Bill, H. B. 18, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 142. To amend section 32-7-4, Code of Alabama 1975, relating to fees for abstracts of driving records, so as to increase the fee for an abstract of a driving record from \$4.00 to \$5.75.

And said Bill, H. B. 142, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 34. To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

And said Bill, H. B. 34, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,
Secretary.

S. 2 AGAIN TAKEN UP

And the bill, S. 2, which previously was temporarily carried over, was again taken up.

AMENDMENT OFFERED

Rep. Payne offered the following amendment to the bill, S. 2:

Amend S. B. 2 as engrossed as follows:

On page 1, on line 21, after the language "programs;" insert the following: to provide that mandated service shall be of a quality not less than the service received on the effective date of this act;

On page 2, on line 22, after the language "system of services." insert the following:

Provided, however, every individual, household, business, industry or property mandated to receive said system of services shall be entitled to service

equivalent to the service said entity was receiving from any supplier on the effective date of this act. If an entity was receiving door-to-door collection, the mandated service must provide equivalent door-to-door collection. If an entity was receiving collection of oversized items, brush and limbs, grass and hedge clippings or other particular or specific items, the mandated service must provide equivalent service. The entity shall be entitled to at least the same number of collections per week as it received on the effective date of this act. Equivalent service may only be diminished after the supplier receives the written consent of the entity.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 58; Nays 5.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Blakeney, Box, Breedlove, Britnell, Carothers, Curry, Davis, Dillard, Escott, Faulk, Frazier, Goodwin, Grayson, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hogan, Johnson (RG), Junkins, Knight, Kvalheim, Lindsey, Logan, Marks, Mathis, McDowell, McKee, Mikell, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Slaughter, Spratt, Starkey, Turnham, Venable, Walker, Warren, White (F), White (G), White (L) and Wright.

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Nays: Reps. Carter, Hall, McMillan, Moon and Seibels.

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S. 2 TEMPORARILY CARRIED OVER

On motion of Rep. Cosby, the bill, S. 2 as amended, was temporarily carried over.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 8. To amend section 13A-6-4, Code of Alabama 1975, to provide that criminally negligent homicide is a Class C felony.

Also:

S. 126. To amend Section 22-27-5, Code of Alabama 1975, as amended, relating to solid waste disposal fees, permits and bonds, so as to prescribe certain minimum surety bond requirements for out-of-state shippers of household garbage, in order to protect the health, safety and welfare of the citizens of this state.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length

having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 44. To require pipeline facilities transporting hazardous liquids and/or liquified natural gas (LNG) and facilities used in the liquification of natural gas to comply with certain standards of safety; granting certain additional rights, powers and authority to the Alabama Public Service Commission to carry out the purposes of this Act; prescribing jurisdictions of courts for injunction proceedings; and prescribing monetary sanctions for violations of certain standards of safety.

Also:

S. 53. Authorizing and empowering the state highway department to set speed limits in urban and rural construction zones along state and interstate highways.

Also:

S. 222. Relating to Franklin County; authorizing and providing for the incorporation of the Franklin County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or

facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Turnham, House Rule 6(2) was suspended in order to receive the bill, H. 310, from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 310. To amend Section 27-4-2, Code of Alabama 1975, which provides for the collection of certain fees and licenses by the Commissioner of Insurance, so as to increase certain fees.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Turnham, the House concurred in and adopted the Senate amendment to the bill, H. 310, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To amend Sections 27-4-2, 27-7-7, 27-8-5 and 27-39-6, Code of Alabama 1975, which provide for the collection of certain fees and licenses by the Commissioner of Insurance, so as to increase certain fees.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 27-4-2, 27-7-7, 27-8-5 and 27-39-6, Code of Alabama 1975, are hereby amended to read as follows:

“§27-4-2.

“(a) The commissioner of insurance shall collect in advance fees, licenses and miscellaneous charges as follows:

“(1) Certificate of authority:

“a. Initial application for original certificate of authority, including the filing with the commissioner of all documents incidental thereto \$ ~~25.00~~ 500.00

“b. Issuance of original certificate of authority ~~20.00~~ 500.00

“c. Annual continuation or renewal fee ~~200.00~~ 500.00

“d. Reinstatement fee ~~50.00~~ 500.00

“(2) Charter documents, filing with the commissioner amendment to articles of incorporation or of association, or of other charter documents or to bylaws ~~5.00~~ 25.00

“(3) Solicitation permit, filing applications and issuance . ~~25.00~~ 250.00

“(4) Annual statement of insurer, except when filed as part of application for original certificate of authority, filing ~~10.00~~ 25.00

“(5) ~~Agent's license (resident or nonresident agents):~~

“a. ~~Property, casualty and surety agents:~~

“1. ~~Filing application for license~~ ~~10.00~~

“2. ~~Appointment of agent by insurer, property and casualty, each insurer~~ ~~5.00~~

“3. ~~Annual continuation of appointment, property and casualty, each insurer~~ ~~5.00~~

“b. ~~Life and disability insurance agents (resident agents):~~

“1. ~~Original license, each insurer~~ ~~5.00~~

“2. ~~Annual continuation of license, each insurer~~ ~~5.00~~

“c. ~~Life and disability nonresident agents:~~

“1. ~~Original license, each insurer~~ ~~26.00~~

“2. ~~Annual continuation of license, each insurer~~ ~~26.00~~

“(5) Agent Licenses and Appointments:

“a. Property, casualty and surety agents (resident or nonresident):

“1. Application fee (For filing of application for license or appointment) 20.00

“2. Appointment fee (For appointment of agent by insurer and annual renewal of appointment, each insurer)

"(a) All classification except comprehensive property, casualty and surety, each classification	7.50
"(b) Comprehensive property, casualty and surety	7.50
"b. Life and disability resident agents	
"1. Application fee (For filing of application for license)	20.00
"2. License fee (For original license and each annual renewal, each insurer)	7.50
"c. Life and disability nonresident agents	
"1. Application fee (For filing application for license)	20.00
"2. License fee (For original license and each annual renewal, each insurer)	30.00
"d. Examination fees (For filing application for examination or reexamination of resident agent or broker)	
"1. Each classification of examination except comprehensive property, casualty and surety	10.00
"2. Comprehensive property, casualty and surety	30.00
"d. e. Each vending machine licensed under section 27-8-23, each year	5.00 25.00
"(6) Broker's license (resident or nonresident brokers):	
"a. Filing application for license	10.00 20.00
"b. Issuance of license	26.00 50.00
"c. Annual continuation of license	26.00 50.00
"(7) Solicitor's license:	
"a. Filing application for license	10.00
"b. Issuance of license	5.00
"e. a. Annual continuation of license	5.00 20.00
"(8) General agent's license:	
"a. Filing application for license	10.00 30.00
"b. Issuance of license, property and casualty, each insurer	5.00 25.00
"c. Annual continuation of license, each insurer	5.00 25.00
"(9) Service representative's license:	
"a. Filing application for license	10.00 20.00
"b. Issuance of license, property and casualty, each insurer	5.00 20.00
"c. Annual continuation of license, property and casualty, each insurer	5.00 20.00

~~“(10) Temporary license:~~

~~“a. As resident agent, each insurer, property, casualty and life ... 5.00~~

~~“b. As resident broker 26.00~~

~~“c. As solicitor 5.00~~

~~“(11) Examination for agent, broker or solicitor license, resident and nonresident, filing application for examination or reexamination, each classification of examination 5.00~~

~~“(12) Surplus line broker license, each license year 26.00~~

~~“(10) Surplus line broker license, each license year 50.00~~

~~“(13) (11) Adjusters:~~

~~“a. License 26.00 40.00~~

~~“b. Annual continuation of licenses 26.00 40.00~~

~~“(14) (12) Miscellaneous services:~~

~~“a. For copies of documents, records on file in insurance department, per page 50 1.00~~

~~“b. For each certificate of the commissioner under his seal, other than agent licenses 1.00 5.00~~

~~“(15) (13) The commissioner is hereby authorized and directed to collect a fee of \$5.00 \$25.00 when, in acting as agent or attorney for any insurance company, fraternal benefit society, mutual aid association or credit union, he accepts the service of legal process as provided by the laws of this state. He shall refuse to receive and file or serve any process unless such process is accompanied by the aforementioned fee, which shall be taxed as costs in the action.~~

~~“(b) The commissioner shall promptly pay all fees and licenses collected under this section into the state treasury to the credit of the general fund.~~

~~“§27-7-7.~~

~~“(a) The commissioner shall not issue any license except upon application therefor as in this chapter provided. Each applicant for a license shall file annually with the commissioner his written application therefor signed by him and showing:~~

~~“(1) His name, age and place of residence;~~

~~“(2) The kinds of insurance to be transacted under the license and the insurer or insurers he proposes so to represent;~~

~~“(3) The person, firm or corporation by whom he expects to be employed or associated with as such licensee and his status as an officer or representative thereof;~~

~~“(4) Whether he proposes to write or solicit insurance of his own risks and interests, or those of his relatives, any firm or corporation in which he is financially interested or connected, directly or indirectly, or of his employer;~~

~~“(5) A short business history of the applicant and the name and nature of any business enterprise with which he may be associated;~~

“(6) The extent of his formal education and business experience or apprenticeship;

“(7) Whether he has ever applied previously for a license or been licensed to transact any kind of insurance business in this state or elsewhere and whether any such license was ever refused, suspended or revoked;

“(8) Whether any insurer or managing general agent claims that he is in default as to premiums or other moneys collected and not accounted for and, if so, the details thereof and like information as to any member of his family who is then, or has theretofore been, engaged in the insurance business; and

“(9) Any additional information reasonably required by the commissioner.

“Additional licenses shall require the applicant's full name, residence, age, place of business and certification whether he has had a license to solicit insurance contracts refused, suspended, or revoked since his last annual license; whether applicant has had any agency contract cancelled and, if so, when, by what insurer and the reason for the cancellation; and whether the applicant has been convicted of a felony since his last annual license.

“(b) If the applicant for an agent's or broker's license is a partnership or corporation, the application shall show, in addition, names of every member of the partnership and every officer, director, stockholder and employee of the corporation personally engaged in this state in soliciting or negotiating policies of insurance. Each such member, officer, director, stockholder or employee shall furnish information with respect to himself as part of the application, as though for an individual license, and shall otherwise meet the requirements for an individual license.

“(c) Partnerships and corporations shall file their organizational documents with the commissioner, accompanied by an initial filing fee of \$50.00. The license shall continue in effect, subject to an annual fee of \$50.00, unless cancelled, suspended or revoked. Each partnership and corporation shall file with the commissioner any change in its organization accompanied by a fee in the amount of ~~\$5.00~~ \$10.00.

“(d) At the time of filing his original application for license, the applicant shall pay to the commissioner the application fee and the fees for any examinations required under section 27-7-10 as specified in section 27-4-2. Such fees shall not be returnable. Appointment fees, as required in section 27-4-2, shall be paid as to each individual included in the application for a partnership or corporation license.

“(e) If the commissioner has contracted with a qualified testing institution as provided for in section 27-7-11 (c), fees approved for such services by the commissioner may, at the commissioner's discretion, be paid directly to such testing institution and such fee shall be in lieu of but not in excess of the fees for the examination required under section 27-7-10 as specified in section 27-4-2.

“§27-8-5.

“(a) The commissioner shall not issue any license except upon application therefor as provided in this section. Each applicant for a license as

an agent or broker shall file annually with the commissioner his written application therefor signed by him, verified by his oath and showing:

“(1) Applicant’s full name, residence, age, occupation and place of business for five years next preceding the date of the application;

“(2) Whether applicant has ever held a license to solicit insurance contracts in any state;

“(3) Whether applicant has ever been refused or has had suspended or revoked any license to solicit insurance contracts in any state;

“(4) What insurance experience, if any, he has had;

“(5) What instruction in insurance and in the insurance laws of this state he has had or expects to have;

“(6) Whether any insurer claims that applicant is indebted to the insurer under any agency contracts or otherwise and, if so, the name of the claimant, nature of the claim and applicant’s defense thereto;

“(7) Whether applicant has had any agency contract cancelled and, if so, when, by what insurer and the reason for the cancellation;

“(8) Whether applicant will devote all, or part of, his efforts to acting as an insurance agent and, if part time only, how much time he expects to devote to work as an agent or broker and in what other business, or businesses, he is engaged or employed;

“(9) Whether, if applicant is married, the spouse has ever applied for or held a license to solicit insurance in any state and whether any such license has ever been refused, suspended or revoked; and

“(10) Such other information as the commissioner may reasonably require.

“Additional licenses shall require the applicant’s full name, residence, age, place of business and certification whether he has had a license to solicit insurance contracts refused, suspended, or revoked since his last annual license; whether applicant has had any agency contract cancelled and, if so, when, by what insurer and the reason for the cancellation; and whether the applicant has been convicted of a felony since his last annual license.

“(b) The application for an agent’s license shall be accompanied by a certificate on forms furnished by the commissioner and signed by an officer or duly authorized representative of the insurer stating, if true, that the insurer has investigated the character and background of the applicant and is satisfied that he is trustworthy and qualified to act as its agent and to hold himself out in good faith to the general public as an agent and that the insurer desires that the applicant be licensed as an agent of the insurer as defined in subsection (a) of section 27-8-1.

“(c) If the applicant for an agent’s or broker’s license is a partnership or corporation, the application shall show, in addition, names of every member of the partnership and every officer, director, stockholder and employee of the corporation personally engaged in this state in soliciting or negotiating policies of insurance. Each such member, officer, director, stockholder or employee shall furnish information with respect to himself as part of the application, as though for an individual license, and shall otherwise meet the requirements for an individual license.

"(d) Partnerships and corporations shall file their organizational documents with the commissioner accompanied by an initial filing fee of ~~\$25.00~~ \$50.00. The license shall continue in effect, subject to an annual fee of ~~\$25.00~~ \$50.00, unless cancelled, suspended or revoked. Each partnership and corporation shall file with the commissioner any change in its organization accompanied by a fee in the amount of ~~\$5.00~~ \$10.00.

"(e) When filed, the application shall be accompanied by the examination filing fee specified in section 27-4-2 if the applicant is subject to an examination under this chapter. Any such fee shall not be subject to refund, whether or not the applicant in fact takes an examination. An additional license fee shall be paid as to each individual included in the application for a partnership or corporation license.

"(f) Prior to issuance of a license as an insurance broker, the applicant shall file with the commissioner and, thereafter for as long as the license remains in effect, shall keep in force a bond in the penal sum of not less than \$20,000.00 with an authorized corporate surety approved by the commissioner. The aggregate liability of the surety for any and all claims on any such bond shall in no event exceed the penal sum thereof. No such bond shall be terminated unless at least 30 days' prior written notice thereof is given by the surety to the licensee and the commissioner. Upon termination of the license for which the bond was in effect, the commissioner shall notify the surety within 10 working days.

"(g) All surety protection under this section is to inure to the benefit of the aggrieved parties.

"§27-39-6.

"(a) Within 30 days after January 1, 1972, every automobile club or association organized and/or operating in the state of Alabama shall file with the commissioner an application for a certificate of authority to continue said operations within the state, and every automobile club or association desiring to commence operations within the state shall, prior to the commencement of said operation, file application with and receive a certificate of authority from the commissioner. No certificate of authority shall be issued until the automobile club or association has paid to the commissioner ~~\$200.00~~ \$250.00 as an annual license fee, which fee shall not be returnable. Licenses shall be issued for the period beginning January 1 of each year and shall expire on the following December 31. The commissioner shall deposit all fees collected in the state treasury to the credit of the general fund.

"(b) The following documents and information shall be filed with the application of all such clubs and associations:

"(1) The sum of \$25,000.00 in cash or securities, as approved by the commissioner and deposited in trust with the state treasurer or, in lieu thereof, a surety bond payable to the commissioner in the amount of \$25,000.00 of a surety company authorized to do business in this state, conditioned upon the full compliance with this chapter and the faithful performance of the obligations of such club or association to its members. The bonds shall be approved by the commissioner and shall not be cancelled without 30 days' notice to the commissioner. If such bond is filed, any person defrauded or injured by any wrongful act, misrepresentation or failure on the part of a motor club with respect to selling or rendering of any service may maintain an action on such bond in his own name. Upon receipt of notice of the intended dissolution of such automobile club or association and upon receipt

of notice of evidence satisfactory to the commissioner that all obligations of the club or association to its members and creditors have been satisfied, the state treasurer, upon written authorization from the commissioner, shall refund said money or securities and the obligations of said bond shall terminate;

"(2) Appointment of an agent for service of process who shall be a resident of the state of Alabama or, in lieu thereof, the commissioner; and

"(3) A copy of the proposed form of membership application, membership certificate, bylaws, contracts for service and any other material, including advertising matter, requested by the commissioner.

"(c) If the commissioner shall be satisfied that the applicant is competent and trustworthy and possesses the professional ability to perform the services and that he meets all the requirements of this chapter, he shall issue to the applicant a certificate of authority to conduct the business of such automobile club or association within this state."

Section 2. It is the legislative intent that nothing in this act shall be construed to affect the Special Examination Revolving Fund, as provided for in Section 27-2-25, Code of Alabama 1975, or the State Fire Marshal's Fund, as provided for in Section 24-5-10, Code of Alabama 1975.

Section 3. This act shall become effective October 1, 1988.

Yeas 63; Nays 8.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Blake, Blakeney, Breedlove, Britnell, Brooks, Bryant, Carothers, Carter, Cosby, Curry, Davis, Dillard, Escott, Faulk, Ford, Gaston, Goodwin, Grouby, Hamilton, Hammett, Harvey, Haynes, Higginbotham, Hogan, Johnson (RG), Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McKee, McMillan, Mikell, Newman, Newton, Penry, Perdue, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White (G), White (L), Williams and Zoghby.

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Nays:

Reps. Bugg, Frazier, Freeman, Gray, Hall, Junkins, Moon and Payne.

—8

S. 2 AGAIN TAKEN UP

And the bill, S. 2 as previously amended, was again taken up.

AMENDMENT OFFERED

Rep. Cosby offered the following amendment to the bill, S. 2 as amended:

On page 2, in the title on line 19, delete the language "to provide that the amounts of" and delete lines 20 through lines 23 in their entirety and insert in lieu thereof:

and to amend

On page 6, on line 35, delete the language after the word "article" and on page 7, on line 5, delete the word "hereunder".

On page 8, delete lines 22 through 30 in their entirety and insert in lieu thereof:

county taxes are collected

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 61; Nays 3.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Burke, Butler, Carothers, Carter, Cosby, Curry, Dillard, Faulk, Ford, Freeman, Gaston, Goodwin, Gray, Hall, Hamilton, Hammett, Harper, Harvey, Higginbotham, Kennedy, Knight, Kvalheim, Lindsey, Logan, Marks, Mathis, McMillan, Mikell, Moon, Newman, Payne, Penry, Petelos, Poole, Rains, Reed, Seibels, Slaughter, Spratt, Starkey, Turnham, Venable, Warren, White (G), White (L), Williams, Wright and Zoghby.

—61

Nays: Reps. Haynes, Johnson (RG) and Junkins.

—3

AMENDMENT OFFERED

Rep. Cosby offered the following amendment #2 to the bill, S. 2 as amended:

AMENDMENT TO S. 2

Amend S. 2 by inserting after the word "granted" and before the word "without" on page 5, line 12, the words "for an individual household."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 68; Nays 2.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Burke, Butler, Carothers, Carter, Cosby, Crow, Curry, Dillard, Faulk, Ford, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Haynes, Higginbotham, Hogan, Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Seibels, Slaughter, Spratt, Starkey, Turnham, Venable, Walker, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—68

Nays: Reps. Frazier and Junkins.

—2

AMENDMENT OFFERED

Rep. Rains offered the following amendment #2 to the bill, S. 2 as amended:

Amend S. B. 2 on page 9, Section 3, line 27 by striking after the word ~~100.00~~ the following: \$1,000.00

and inserting in lieu thereof, the following: \$200.00

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 59; Nays 3.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Butler, Carothers, Carter, Dillard, Faulk, Ford, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Hammett, Harvey, Haynes, Holmes, Johnson (RG), Kvalheim, Laird, Lindsey, Marks, Mathis, McKee, McMillan, Mikell, Newton, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Seibels, Spratt, Starkey, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Wright and Zoghby.

—59

Nays: Reps. Black, Junkins and Slaughter.

—3

And the bill, S. 2 as thus amended, was read a third time at length and passed.

Yeas 43; Nays 35.

Yeas:

Reps. Adams, Beasley, Blake, Box, Breedlove, Brooks, Bryant, Burke, Butler, Carothers, Carter, Cosby, Curry, Dillard, Faulk, Flowers, Gaston, Goodwin, Hamilton, Hammett, Harvey, Higginbotham, Holmes, Johnson (RW), Knight, Kvalheim, Lindsey, Logan, Marks, Mathis, McMillan, Mikell, Penry, Reed, Richardson, Seibels, Slaughter, Starkey, Turner, Turnham, Venable, White (G) and Zoghby.

—43

Nays:

Reps. Beers, Biddle, Black, Bugg, Crow, Escott, Ford, Frazier, Freeman, Gray, Grayson, Grouby, Hall, Haynes, Hogan, Holley, Johnson (RG), Junkins, Laird, Melton, Moon, Newton, Payne, Perdue, Petelos, Poole, Rains, Spratt, Thomas, Walker, Warren, White (F), White (L), Willis and Wright.

—35

S. 48 TEMPORARILY CARRIED OVER

On motion of Rep. Harvey, the bill, S. 48, was temporarily carried over.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 173. COMMENDING OUR COLLEAGUE REPRESENTATIVE STEPHEN R. HETTINGER OF HUNTSVILLE, ALABAMA.

McDOWELL LEE,
Secretary.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Harvey to suspend House Rule 6(2) in order to receive the bill, H. 27, from the Senate, was lost, lacking a four-fifths vote.

Yeas 65; Nays 33.

Yeas:

Reps. Adams, Beasley, Beers, Biddle, Blake, Blakeney, Breedlove, Brooks, Burke, Butler, Cosby, Crow, Curry, Dillard, Drake, Flowers, Ford, Frazier, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Harvey, Haynes, Headley, Hettinger, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McKee, McMillan, Melton, Mikell, Newton, Parker, Payne, Penry, Petelos, Poole, Richardson, Seibels, Spratt, Starkey, Turner, Turnham, Venable, Warren, White (F), White (G), Williams, Willis and Wright.

—65

Nays:

Mr. Speaker, Black, Bowling, Box, Britnell, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Davis, Escott, Faulk, Freeman, Fuller, Hall, Harper, Higginbotham, Holmes, Junkins, Kennedy, Marietta, McClain, McDowell, Moon, Newman, Rogers, Thomas, White (L) and Zoghby.

—33

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twelfth legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the twelfth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twelfth legislative day was approved.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 18. To amend Sections 40-23-2, 40-23-61, 40-23-101 and 40-23-102, Code of Alabama 1975, which levy sales and use taxes on automotive vehicles,

truck trailers, semitrailers, and house trailers, so as to increase the levy from 1 1/2% to 2% and amends Sections 40-23-35 and 40-23-108 to distribute the additional funds generated to the state general fund.

Also:

H.142. To amend section 32-7-4, Code of Alabama 1975, relating to fees for abstracts of driving records, so as to increase the fee for an abstract of a driving record from \$4.00 to \$5.75.

Also:

H. 34. To make an appropriation for the support and maintenance of the Special Schools for Special Education for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 173. COMMENDING OUR COLLEAGUE REPRESENTATIVE STEPHEN R. HETTINGER OF HUNTSVILLE, ALABAMA.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 310. To amend Sections 27-4-2, 27-7-7, 27-8-5 and 27-39-6, Code of Alabama 1975, which provide for the collection of certain fees and licenses by the Commissioner of Insurance, so as to increase certain fees.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:24 A.M. on September 22, 1988.

H. 319

Delivered to the Governor at 12:55 P.M. on September 22, 1988.

H. J. R. 182

H. 172

H. 88

H. 325

H. 165

H. 354

H. 349

H. 357

H. 352

H. 362

H. 353

H. 363

H. 360

H. 365

Delivered to the Governor at 3:04 P.M. on September 22, 1988.

H. 95

H. 6

Delivered to the Governor at 9:33 P.M. on September 22, 1988.

H. 186

H. 279

H. 201

H. 9

H. 12

H. 219

H. 148

H. 133

H. 8

H. 61

H. 240

H. 221

H. J. R. 142

H. J. R. 163

Delivered to the Governor at 10:15 P.M. on September 22, 1988.

H. 16

FIRST EXTRAORDINARY SESSION
12th Day

991

Delivered to the Governor at 11:59 P.M. on September 22, 1988.

H. 18

H. 142

H. 34

H. J. R. 173

H. 310

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

The hour of 12:00 o'clock midnight having arrived, the Speaker declared the House adjourned sine die.

JOHN W. PEMBERTON,
Clerk of the House of Representatives
of the Legislature of Alabama,
Extraordinary Session, 1988.

**HOUSE OF REPRESENTATIVES
FIRST EXTRAORDINARY SESSION 1988
ALPHABETICAL ROSTER AND DISTRICT NUMBER**

Charles Adams, 83	Jimmy W. Holley, 91
John P. Beasley, 85	Alvin Holmes, 78
Greg Beers, 48	Perry O. Hooper, Jr., 73
Jack Biddle, III, 43	Ronald G. Johnson, 33
Lucius Black, Sr., 67	Roy W. Johnson, Jr., 63
A. J. Blake, 42	Bobby M. Junkins, 30
Harrell Blakeney, 66	Yvonne Kennedy, 103
W. C. ("Bill") Bowling, 12	Al Knight, 40
Michael E. Box, 96	Ken Kvalheim, 101
Michael M. Breedlove, 65	Richard Laird, 37
Charlie Britnell, 18	Allen Layson, 15
Morris J. ("Mo") Brooks, Jr., 10	Richard J. Lindsey, 39
Jenkins Bryant, Jr., 68	Steve J. Logan, 17
June Bugg, 29	E. B. McClain, 57
Ralph Burke, 24	Bobbie G. McDowell, 56
James Buskey, 99	Bob McKee, 74
John Buskey, 77	Stephen A. McMillan, 95
Tom Butler, 6	Beth Marietta, 104
James M. Campbell, 36	Herman H. Marks, 8
Joe R. Carothers, Jr., 86	Nathan Mathis, 87
Tommy Carter, 5	Bryant Melton, 61
James S. Clark, 84	Mike Mikell, 76
William Clark, 98	Gordon R. Moon, 25
Tom Coburn, 2	Max Newman, 16
W. F. ("Noopie") Cosby, Jr., 70	Demetrius C. Newton, 53
Bobby C. Crow, 35	Paul Parker, 9
Johnny L. Curry, 50	Arthur Payne, 44
Patricia Davis, 58	Walter E. Penry, Jr., 94
Ernest Dillard, 7	George Perdue, 54
Tom Drake, 11	Tony Petelos, 49
Sundra E. Escott, 60	Phil Poole, 62
Dwight Faulk, 90	T. Euclid Rains, Sr., 26
Steve Flowers, 89	Thomas Reed, 82
Joe M. Ford, 28	Ben T. Richardson, 23
Ed Frazier, 14	John W. Rogers, Jr., 52
Dewayne Freeman, 21	George G. Seibels, Jr., 47
Bill Fuller, 38	William M. Slaughter, 46
Victor Gaston, 100	Lewis G. Spratt, 59
J. W. ("Joe") Goodwin, 3	Nelson R. Starkey, Jr., 1
Billy Gray, 45	James L. Thomas, 69
George W. Grayson, 19	J. E. Turner, 102
E. A. Grouby, Jr., 71	Pete Turnham, 79
Albert Hall, 22	Jack B. Venable, 31
James Harold Hamilton, 4	Claud Walker, 75
Seth Hammett, 92	James E. ("Jimmy") Warren, 64
Taylor F. Harper, 105	Frank P. ("Skippy") White, 93
Bob Harvey, 27	Gary White, 55
Clarence E. Haynes, 32	Lester White, 81
Lewis W. Headley, 72	R. Nolan Williams, 88
Steve Hettinger, 20	Gerald Willis, 34
G. J. Higginbotham, 80	Jim Wright, 51
Michael E. Hill, 41	Mary S. Zoghby, 97
Thomas E. Hogan, 13	

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA
FIRST EXTRAORDINARY SESSION 1988**

OFFICERS

JAMES S. CLARK, *Speaker*, Eufaula

JAMES M. CAMPBELL

Speaker Pro-Tem, Anniston

JOHN W. PEMBERTON, *Clerk*, Montgomery

GREG PAPPAS, *Assistant Clerk*, Montgomery

VANNAH W. NORRELL, *Chief Clerk*, Montgomery

MEMBERS OF THE HOUSE

Dist. No.	Counties	Name	Address
1	LAUDERDALE	Nelson R. Starkey, Jr.	301 N. Pine St., Florence 35630
2	COLBERT	Tom Coburn	1107 East 3rd St., Tuscumbia 35674
3	COLBERT, LAUDERDALE	J. W. (Joe) Goodwin	310 Ford Road, Muscle Shoals 35661
4	LAUDERDALE, LIMESTONE	James Harold Hamilton	301 N. Pine St., Florence 35630
5	LIMESTONE	Tommy Carter	Route 2, Box 82, Elkmont 35620
6	MADISON	Tom Butler	1803 Forney Drive, Huntsville 35816
7	LAWRENCE, MORGAN	Ernest Dillard	Route 1, Box 216, Courtland 35618
8	MORGAN	Herman H. Marks	1704 Sandra St., SW, Decatur 35601
9	MORGAN	Paul Parker	303 North Douglas St., Hartselle 35640
10	MADISON	Morris J. (Mo) Brooks, Jr.	9009 Randall Road, Huntsville 35802
11	CULLMAN, MORGAN	Tom Drake	P. O. Box 1165, Cullman 35055

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

- 12 CULLMAN
W. C. (Bill) Bowling Route 2, Box 349, Hanceville 35077
- 13 WALKER
Thomas E. Hogan 300 12th Avenue, NE, Jasper 35501
- 14 TUSCALOOSA, WALKER
Ed Frazier N. 88, Hwy. 195, Jasper 35501
- 15 PICKENS, TUSCALOOSA
Allen Layson P. O. Box 910, Reform 35481
- 16 FAYETTE, LAMAR, MARION
Max Newman P. O. Box 428, Millport 35576
- 17 MARION, WINSTON
Steve J. Logan P. O. Box 576, Hamilton 35570
- 18 FRANKLIN, MARION
Charlie Britnell Route 2, Box 376, Russellville 35653
- 19 MADISON
George W. Grayson P. O. Box 38, Normal 35762
- 20 MADISON
Steve Hettinger 2207 Toll Gate, Huntsville 35801
- 21 MADISON
Dewayne Freeman 114 East Becky Circle, Huntsville 35810
- 22 JACKSON, MADISON
Albert Hall P. O. Box 275, Gurley 35748
- 23 JACKSON
Ben T. Richardson P. O. Box 1017, Scottsboro 35768
- 24 DEKALB
Ralph Burke P. O. Box 876, Fort Payne 35967
- 25 MARSHALL
Gordon R. Moon P. O. Box 265, Guntersville 35976
- 26 DEKALB, MARSHALL
T. Euclid Rains, Sr. Rt. 1, Box 326, Albertville 35950
- 27 BLOUNT
Bob Harvey Route 4, Box 2215, Oneonta 35121
- 28 ETOWAH
Joe M. Ford Gadsden State Community College
1001 George Wallace Dr., Gadsden 35999
- 29 ETOWAH
June Bugg 610 South 5th St., Gadsden 35901
- 30 ETOWAH, ST. CLAIR
Bobby M. Junkins 254 College St., Gadsden 35999
- 31 COOSA, ELMORE
Jack B. Venable P. O. Box 736, Tallassee 36078

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued**

- 32 TALLADEGA
Clarence E. Haynes P. O. Box 1041, Talladega 35160
- 33 TALLADEGA
Ronald G. Johnson Route 5, Box 17, Sylacauga 35150
- 34 CALHOUN
Gerald Willis Route 2, Box 286, Piedmont 36272
- 35 CALHOUN
Bobby C. Crow Route 10, Box 842, Anniston 36201
- 36 CALHOUN
James M. Campbell P. O. Box 2003, Anniston 36202
- 37 CHAMBERS, RANDOLPH, CLAY
Richard Laird 1507 Bonner, Roanoke 36274
- 38 CHAMBERS
Bill Fuller 118 South LaFayette St., LaFayette 36862
- 39 CHEROKEE, CLEBURNE, DEKALB
Richard J. Lindsey Route 2, Box 394, Centre 35960
- 40 BIBB, SHELBY
Al Knight 2421 Brook Run, Birmingham 35244
- 41 SHELBY
Michael E. Hill 301 Pitts Drive, Columbiana 35051
- 42 ST. CLAIR
A. J. Blake Route 1, Box 2109, Pell City 35125
- 43 JEFFERSON
Jack Biddle, III 2256 Pinehurst Dr., Gardendale 35071
- 44 JEFFERSON
Arthur Payne 2825 2nd Street, N.W., Birmingham 35215
- 45 JEFFERSON
Billy Gray 9229 Todd Dr., Suite 105, Birmingham 35206
- 46 JEFFERSON
William M. Slaughter 800 1st Nat'l Southern Natural Bldg.
Birmingham 35203
- 47 JEFFERSON
George G. Seibels, Jr. 4016 10th Avenue South
Birmingham 35222
- 48 JEFFERSON
Greg Beers 1504 Verdure Circle, Birmingham 35226
- 49 JEFFERSON
Tony Petelos 1440 42nd St., W., Birmingham 35208
- 50 JEFFERSON
Johnny L. Curry 3264 Fieldale Dr., Hueytown 35023
- 51 JEFFERSON
Jim Wright P. O. Box 279, Adamsville 35005

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued**

- 52 JEFFERSON
John W. Rogers, Jr. 1424 18th St., S.W., Birmingham 35211
- 53 JEFFERSON
Demetrius C. Newton P. O. Box 2525, Birmingham 35202
- 54 JEFFERSON
George Perdue P. O. Box 2473, Birmingham 35201
- 55 JEFFERSON
Gary White 414 Yorkshire Dr., Homewood 35209
- 56 JEFFERSON
Bobbie G. McDowell 2322 Dartmouth Ave., Bessemer 35020
- 57 JEFFERSON
E. B. McClain 3826 Troy Terrace, Brighton 35020
- 58 JEFFERSON
Patricia Davis 9312 Sears Drive, Birmingham 35206
- 59 JEFFERSON
Lewis G. Spratt 3809 4th St. W., Birmingham 35207
- 60 JEFFERSON
Sundra E. Escott P. O. Box 8343, Birmingham 35218
- 61 TUSCALOOSA
Bryant Melton 4129 20th Street, Tuscaloosa 35401
- 62 TUSCALOOSA
Phil Poole P. O. Box 609, Moundville 35474
- 63 TUSCALOOSA
Roy W. Johnson, Jr. 4501 20th St., N.E., Tuscaloosa 35404
- 64 CONECUH, MONROE
James E. (Jimmy) Warren P. O. Box 207, Castleberry 36432
- 65 CLARKE, WASHINGTON
Michael M. Breedlove 119 Dogwood Dr., Jackson 36545
- 66 CHOCTAW, CLARKE, MARENGO
Harrell Blakeney 1101 Old Hwy. 5, So., Thomasville 36784
- 67 CHOCTAW, GREENE, SUMTER
Lucius Black, Sr. P. O. Box 284, York 36925
- 68 DALLAS, PERRY, HALE
Jenkins Bryant, Jr. Route 1, Box 482, Newbern 36765
- 69 DALLAS, LOWNDES, WILCOX
James L. Thomas 2713 Hwy. 14 E., Selma 36701
- 70 DALLAS
W. F. (Noopie) Cosby, Jr. P. O. Box 683, Selma 36702

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued**

- 71 **AUTAUGA, CHILTON**
E. A. Grouby, Jr. P. O. Box 188, Prattville 36067
- 72 **BIBB, CHILTON**
Lewis W. Headley P. O. Box 1610, Clanton 35045
- 73 **MONTGOMERY**
Perry O. Hooper, Jr. 503 S. Court St., Suite 320
Montgomery 36111
- 74 **MONTGOMERY**
Bob McKee P. O. Box 424, Montgomery 36101
- 75 **MONTGOMERY**
Claud Walker P. O. Box M, Montgomery 36105
- 76 **ELMORE, MONTGOMERY**
Mike Mikell 3920 Chapman Rd., Millbrook 36054
- 77 **MONTGOMERY**
John Buskey P. O. Box 6216, Montgomery 36106
- 78 **MONTGOMERY**
Alvin Holmes P. O. Box 6064, Montgomery 36106
- 79 **LEE**
Pete Turnham Box 1592, Auburn 36830
- 80 **LEE**
G. J. Higginbotham P. O. Box 2545, Opelika 36803
- 81 **TALLAPOOSA**
Lester White 739 Freeman St., Dadeville 36853
- 82 **BULLOCK, MACON**
Thomas Reed P. O. Drawer EE, Tuskegee Institute 36088
- 83 **RUSSELL**
Charles Adams P. O. Box 967, Phenix City 36867
- 84 **BARBOUR, RUSSELL**
James S. Clark P. O. Box 71, Eufaula 36027
- 85 **HENRY, HOUSTON**
John P. Beasley P. O. Drawer M, Columbia 36319
- 86 **HOUSTON**
Joe R. Carothers, Jr. Route 8, Box 33, Dothan 36301
- 87 **GENEVA, HOUSTON**
Nathan Mathis Route 1, Newton 36352
- 88 **DALE**
R. Nolan Williams Troy State University at Dothan
P. O. Box 6947, Dothan 36302
- 89 **PIKE, DALE**
Steve Flowers P. O. Box 973, Troy 36081
- 90 **BUTLER, CRENSHAW**
Dwight Faulk Route 2, Box 90, Honoraville 36042

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued**

- 91 **COFFEE**
Jimmy W. Holley Route 2, Box 254E, Elba 36323
- 92 **COVINGTON**
Seth Hammett P. O. Box 1607, Andalusia 36420
- 93 **ESCAMBIA**
Frank P. (Skippy) White Rt. 1, Box 427-Pollard
Flomaton 36441
- 94 **BALDWIN**
Walter E. Penry, Jr. Rt. 2, Box 286, Daphne 36526
- 95 **BALDWIN**
Stephen A. McMillan P. O. Box 337, Bay Minette 36507
- 96 **MOBILE**
Michael E. Box 155 S. Warren St., Mobile 36602
- 97 **MOBILE**
Mary S. Zoghby 2862 Hilburn Drive, Mobile 36606
- 98 **MOBILE**
William Clark 711 Atmore Ave., Prichard 36612
- 99 **MOBILE**
James Buskey 2207 Barretts Lane, Mobile 36617
- 100 **MOBILE**
Victor Gaston 864 Parkwood Dr., W., Mobile 36608
- 101 **MOBILE**
Ken Kvalheim 421 Dogwood Dr., Mobile 36609
- 102 **MOBILE**
J. E. Turner P. O. Box 777, Citronelle 36522
- 103 **MOBILE**
Yvonne Kennedy 1205 Glennon Avenue, Mobile 36603
- 104 **MOBILE**
Beth Marietta 557 Church Street, Mobile 36602
- 105 **MOBILE**
Taylor F. Harper P. O. Box 229, Grand Bay 36541

ROSTER OF THE SENATE OF ALABAMA

1988

Jim Folsom, Jr., <i>Lieutenant Governor</i>	Alabama State House, Montgomery
Ryan deGraffenried, <i>President Pro-Tem</i>	Tuscaloosa
McDowell Lee, <i>Secretary</i>	Montgomery
John D. Crawford, <i>Assistant Secretary</i>	Montgomery
Mrs. William R. Lawley, Jr., <i>Chief Clerk</i>	Montgomery
District No. 1—Lauderdale, Colbert Bobby Denton	P. O. Box 987, Tuscumbia 35674
District No. 2—Madison, Limestone, Lauderdale Jim Smith	108-A South Side Square, Huntsville 35801
District No. 3—Lawrence, Morgan Ray Campbell	Rt. 4, Box 43, Town Creek 35672
District No. 4—Cullman, Morgan, Madison Don Hale	409 6th St., S.W., Cullman 35055
District No. 5—Pickens, Tuscaloosa, Walker Charles Bishop	P. O. Box 2328, Jasper 35501
District No. 6—Franklin, Marion, Winston, Lamar, Fayette Roger H. Bedford	P. O. Box 669, Russellville 35653
District No. 7—Madison Bill G. Smith	2009 Gallatin St., S.W., Huntsville 35801
District No. 8—Madison, Jackson, DeKalb Lowell R. Barron	P. O. Box 65, Fyffe 35971
District No. 9—Marshall, Blount, DeKalb Hinton Mitchem	P. O. Box 297, Albertville 35950
District No. 10—Etowah Bill Drinkard	Holy Name of Jesus Medical Center Moragne Park, Gadsden 35902
District No. 11—Elmore, Talladega, Coosa Jim Preuitt	P. O. Box 1063, Talladega 35160
District No. 12—Calhoun Donald G. Holmes	P. O. Box 3383, Oxford 36203
District No. 13—Chambers, Clay, Randolph, Cleburne, Cherokee, DeKalb Gerald Dial	P. O. Box 248, Lineville 36266
District No. 14—St. Clair, Shelby, Bibb Frank (Butch) Ellis, Jr.	P. O. Box 587, Columbiana 35051

ROSTER OF THE SENATE OF ALABAMA—Continued

District No. 15—Jefferson	
John E. Amari	9636 Parkway East, Birmingham 35215
District No. 16—Jefferson	
William J. Cabaniss, Jr.	P. O. Box 19925, Birmingham 35219
District No. 17—Jefferson	
Mac Parsons	2027 2nd Ave., N., Birmingham 35203
District No. 18—Jefferson	
Fred Horn	900 4th St., N., Birmingham 35204
District No. 19—Jefferson	
Jim Bennett	Suite 100, 130 Building 130 Vulcan Road, Birmingham 35207
District No. 20—Jefferson	
Earl F. Hilliard	P. O. Box 11385, Birmingham 35202
District No. 21—Hale, Tuscaloosa	
Ryan deGraffenried, Jr.	P. O. Box 2263, Tuscaloosa 35403
District No. 22—Marengo, Clarke, Choctaw, Washington, Monroe, Conecuh	
Rick Manley	P. O. Drawer U, Demopolis 36732
District No. 23—Choctaw, Sumter, Greene, Perry, Dallas, Wilcox, Lowndes	
Henry (Hank) Sanders	P. O. Box 1305, Selma 36702
District No. 24—Dallas, Autauga, Chilton, Bibb	
Earl Goodwin	P. O. Box 886, Selma 36702
District No. 25—Montgomery	
Larry Dixon	P. O. Box 946, Montgomery 36102
District No. 26—Montgomery, Elmore	
Charles D. Langford	352 Dexter Ave., Montgomery 36104
District No. 27—Tallapoosa, Lee	
John Rice	P. O. Box 4008, Opelika 36803
District No. 28—Macon, Bullock, Barbour, Russell	
J. Danny Corbett	Route 7, Box 821, Phenix City 36867
District No. 29—Henry, Houston, Geneva	
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William J. (Bill) Menton Rt. 2, Box 171
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BYRD, CHARLES L.

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ELDER, WILLIAM E.

Commended—

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ELMORE, ALBERT B.

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FINN, IRA

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HEADLEY, LEWIS W.

Most dedicated member of house of representatives, named—

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HOOPER, PERRY O., JR.

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Educational programs, corrections department urged to implement for disciplinary rehabilitation unit for—

HJR 167, page 735

JOURNAL
OF THE
House of Representatives
OF THE
STATE OF ALABAMA
SECOND
EXTRAORDINARY
SESSION
OF 1988

HELD IN THE CITY OF MONTGOMERY, ALABAMA
COMMENCING MONDAY, SEPTEMBER 26, 1988



Vol. 1
WITH AN INDEX PREPARED BY THE
CLERK OF THE HOUSE

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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
SECOND EXTRAORDINARY SESSION
OF 1988

FIRST DAY

House of Representatives
Montgomery, Alabama
Monday, September 26, 1988

Be it remembered that on the twenty-sixth day of September, 1988, His Excellency, Guy Hunt, Governor of the State of Alabama, issued his proclamation convening the Legislature in extra session in words and figures as follows, to-wit:

STATE OF ALABAMA
PROCLAMATION
BY THE GOVERNOR

WHEREAS, there exists an extraordinary occasion in the State of Alabama, which demands the convening of the Legislature of Alabama, in extraordinary session, as prescribed by Article V, Section 122 of the Constitution of Alabama of 1901.

NOW, THEREFORE, I, Guy Hunt as Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama shall convene in extraordinary session at the seat of government, Alabama State House, in Montgomery, Alabama at 5 o'clock p.m., on September 26, 1988, and do hereby designate the following subjects and matters, which I, as Governor, deem necessary to be considered and acted upon by said Legislature, in extraordinary session assembled:

1. Legislation to make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1989.

2. Legislation to provide for the levy of a tax and the collection thereof on pari-mutuel betting and activities related thereto, and to provide that such additional funds will be distributed to the state general fund.

3. Legislation to increase the tax on cigarettes; to provide for the collection of the funds produced thereby; and to provide that such additional funds will be distributed to the state general fund.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused this Proclamation to be attested by the

Secretary of State at the State House, in the City of Montgomery, on this the 26th day of September, 1988.

GUY HUNT,
Governor.

ATTEST:

GLEN BROWDER,
Secretary of State.

PRAYER

The session was opened with prayer by Reverend Ted Rushing, Calvary Baptist Temple, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Leanne Putman.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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A quorum was present.

MESSAGE FROM THE SENATE

Mr. Speaker:

I have been directed by the Senate to advise the House that the Senate is now in session and is ready for the transaction of public business.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator deGraffenried:

S. J. R. 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR THAT LEGISLATURE IS IN SESSION.

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BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the President and Presiding Officer of the Senate appointed as committee on part of the Senate to notify the Governor Senators Cabaniss, Rice, and Dixon.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Carter, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 1, set out in the above and foregoing Message from the Senate.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House Reps. McKee, Knight and Gray.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Carter:

H. R. 1. NOTIFY SENATE.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House notify the Senate that the House is now in session and is ready for the transaction of public business.

On motion of Rep. Carter, the rules were suspended and the resolution, H. R. 1, was adopted.

Also:

By Rep. Carter:

H. R. 2. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Monday, September 26, 1988, we adjourn to meet again on Tuesday, September 27, 1988, at 4:00 P.M.

On motion of Rep. Carter, the rules were suspended and the resolution, H. R. 2, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Campbell:

H. 1. Relating to elections; to define the meaning of terms used in this act; to provide for the designation and organization of a principal campaign

committee by each candidate for election to state or local office; to designate the Secretary of State and the Judge of Probate as the recipients of reports and statements required to be filed by this act; to provide for the registration of political committees, including the principal campaign committee of each candidate; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to delineate the duties of the Secretary of State and Judge of Probate; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising; to prohibit the intimidation of voters, certain expenditures to influence voting, the publication or distribution of certain political statements, contributions in the name of another, fraudulent misrepresentations of campaign authority, and coercion of contributions; to provide penalties for the violation of the provisions of this act; to require that certificates of election be withheld under certain circumstances; to repeal chapter 22 of Title 17 of the Code of Alabama 1975; and to provide certain retroactive effect.

Committee on Judiciary.

By Rep. Rogers:

H. 2. Proposing an amendment to Section 65 of the Constitution of 1901, which prohibits any lottery, so as to legalize only a lottery or lotteries or any scheme in the nature of a lottery or lotteries operated by the state and in certain counties authorized by a general statute; authorizing the legislature, at its discretion, to establish a pilot program for the legalized operation of a lottery or lotteries; and authorizing the legislature to regulate such operations.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Rogers:

H. 3. To create the Alabama State Lottery Act which establishes a state lottery as a revenue-raising agency of state government and provides for its operation and administration; to provide for a commission, the agency and its divisions, director, and other personnel, their appointments, powers, compensation and duties; to regulate vendors, suppliers, contractors and retailers; to prescribe the manner for collecting receipts and distributing the net revenues and to make appropriations therefor; to confer certain peace officer status and access to certain criminal records; to provide for a temporary loan from the state treasury as "seed money" for the start-up of the lottery operation and to require repayment; to provide certain other funding where an emergency exists; to regulate the lottery operation and provide for strict accounting, security and reporting procedures; to prescribe penalties for certain violations and crimes; to exclude the state lottery from the operation of sunset requirements and the administrative procedures act, as well as certain state, county and local taxes; to define lottery or lotteries and other terms; to provide certain compensation for the commission members, the director and other personnel; to prohibit the divulging of certain patent information and trade secrets, or the usage of the theme of bingo, dog racing or horse racing in lottery games; to prescribe the manner of validating and awarding prizes as well as providing certain judicial processes.

Committee on Ways and Means.

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By Reps. Walker, Laird, Layson, Grouby, Curry, Mikell, Dillard, Butler, Breedlove, Frazier, McKee, Hamilton, Fuller, White (L), Blakeney, Cosby, Flowers, Hammett, Adams, Hooper, Faulk, Johnson (RG), and Venable:

H. 4. To provide revenue by levying a 10% privilege tax, less local tax credits, on the gross pari-mutuel pool at any dog race track in the State of Alabama; to provide for the total take out by a licensee on pari-mutuel pools; to provide for the assessment and collection of such revenues; to confer powers and impose duties on the Department of Revenue; to pledge and appropriate the receipts collected under this Act to provide for payment of the principal on, premium, if any, and interest on, all bonds issued by the Alabama Mental Health Finance Authority, as authorized by Act 88-475, to the extent necessary for such purpose; to provide for the distribution of the remaining proceeds of such revenues; and to prescribe penalties for non-compliance.

Committee on Ways and Means.

By Rep. Haynes:

H. 5. This bill provides for an exception to the confidentiality provision of Chapter 11a of Title 22, Code of Alabama 1975, when a potential risk exists in the spread of a contagious disease by authorizing the State Committee of Public Health to establish guidelines for notification of pre-hospital transport agencies, funeral directors, school superintendents and others when indicated. The bill further sets penalties for violation.

Committee on Health.

By Rep. Laird:

H. 6. To amend Section 40-25-2 of the Code of Alabama 1975, so as to levy an additional privilege and license tax on the sale, storage, use, consumption or delivering of cigarettes within this state; to amend Section 40-25-23 of the Code of Alabama 1975, to provide for the disposition of the additional tobacco tax proceeds; to correct the identification of the Department of Mental Health and Mental Retardation, and provide for distribution for servicing bonds issued under the authority of Amendment 266 to the Constitution of Alabama.

Committee on Ways and Means.

By Rep. Knight:

H. 7. Relating to motor vehicle licenses, registration and parking; to amend Sections 32-6-230, 32-6-231, 32-6-232, 32-6-233, 32-6-233.1 and 32-6-234 of the Code of Alabama 1975, so as to provide that certain temporarily handicapped individuals shall be granted temporary identification placards for use in special parking places reserved for handicapped persons; to authorize reciprocal agreements with other states regarding such parking places and to provide penalties for misuse and abuse of such parking places.

Committee on Local Government.

By Rep. Turner:

H. 8. Relating to taxation and operation of pari mutuel racing and race tracks; to provide for the addition of additional privilege, entrance and license taxes upon pari mutuel racing, race track licensees, and patrons thereof; to amend section 40-11-5 of the Code of Alabama 1975, relating to taxation of

pari mutuel racing and activities related thereto, so as to provide that all pari mutuel race tracks shall pay state income taxes, municipal and county occupational taxes, state and local taxes on merchandise, food or beverage sold, all taxes and license fees imposed or related to the sale of alcoholic beverages; to eliminate the limitation on exemptions heretofore granted by local acts; to allow pari mutuel tracks to operate on all days with the exception of Sunday; to provide that licensees may issue tax-free complimentary passes or cards to any guests for promotional purposes.

Committee on Ways and Means.

By Rep. Harper:

H. 9. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Harper:

H. 10. To provide for the creation of a special account to which the Legislature shall appropriate certain funds to prevent proration in the Alabama Special Educational Trust Fund; to prescribe criteria and procedures for withdrawals from such account in years of proration or in emergency situations as may be determined by the Legislature; to make annual appropriations to such account until a certain amount is established and to provide that such amount shall be maintained in separate trust from year to year except during years of proration in the Alabama Special Educational Trust Fund and in emergencies; to prescribe procedures and criteria for reimbursement to such account after withdrawals; to provide for the retention of accrued interest; to provide for an effective date; and to repeal conflicting provisions.

Committee on Ways and Means.

By Rep. Harper:

H. 11. Proposing an amendment to the Constitution of Alabama of 1901, authorizing the governing body of each county in the state to levy and collect additional taxes for local school purposes, road and bridge purposes, public improvement purposes and/or for general fund purposes, to provide for a statewide levy of an additional tax for local school purposes, to provide for a new Class III property and to provide for the assessment of such property for ad valorem tax purposes.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Harper:

H. 12. To amend Sections 40-21-87 and 40-21-107 of the Code of Alabama, 1975 relating to the disposition of tax proceeds on utility gross receipts and utility service use.

Committee on Ways and Means.

By Rep. Harper:

H. 13. To amend Sections 40-1-31 and 40-21-58 of the Code of Alabama, 1975, relating to telephone company privilege taxes.

Committee on Ways and Means.

By Rep. Harper:

H. 14. To amend Section 40-12-227 of the Code of Alabama, 1975 relating to the disposition of tax proceeds on the leasing or renting of tangible personal property.

Committee on Ways and Means.

By Rep. Harper:

H. 15. To amend Section 40-26-20 of the Code of Alabama, 1975 relating to the disposition of proceeds from the transient occupancy tax.

Committee on Ways and Means.

By Rep. Harper:

H. 16. To make an appropriation from the State General Fund to the Mallard Fox Creek Port and Industrial Park for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 17. To make an appropriation of \$100,000 from the State General Fund to America's Junior Miss Pageant, Inc. for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Harper:

H. 18. To make an appropriation of \$20,000 from the State General Fund to Brierfield Ironworks for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 19. To make an appropriation for the support and maintenance of the Cleveland Avenue YMCA for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 20. To make an appropriation of \$50,000 from the State General Fund to Desoto Commission for the fiscal year ending September 30, 1989,

and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 21. To make an appropriation of \$200,000 from the State General Fund to Fort Gaines for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 22. To make an appropriation of \$20,000 from the State General Fund to Fort Payne Depot for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 23. To make an appropriation from the State General Fund in the amount of \$50,000 to the Alabama Mining Museum in Dora, Alabama for the fiscal year ending September 30, 1989 and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 24. To make an appropriation from the State General Fund to the Wallace Industrial Air Park for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 25. To make an appropriation of \$75,000 from the State General Fund to Alabama Travel Council for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 26. To make an appropriation of \$50,000 from the State General Fund to the Southern Museum of Flight for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 27. To make an appropriation of \$30,000 from the State General Fund to the Pea River Historical Society for the fiscal year ending September

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30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 28. To make an appropriation of \$50,000 from the State General Fund to the Mountain Lakes Tourist Association for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Harper:

H. 29. To make an appropriation of \$5,000 from the State General Fund to Lee County Historical Society and Museum for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 30. To make an appropriation of \$30,000 from the State General Fund to Helen Keller Property Board for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Harper:

H. 31. To make an appropriation of \$50,000 from the State General Fund to W.C. Handy Property Board for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Committee on Ways and Means.

By Rep. Turnham:

H. 32. Providing for elected superintendents of education to participate in the teachers' retirement system upon ratification of an amendment to the Constitution of Alabama 1901 allowing such elected superintendents to participate in such retirement system.

Committee on Ways and Means.

By Rep. Mathis:

H. 33. Proposing an amendment to the Constitution of 1901, as amended, relating to the legislative process for considering the major appropriations bills for the operations of education, the operations of the executive, legislative and judicial branches of state government, the state public debt, and the other business of state government and setting a time frame therefor; and repealing Amendment No. 448 to the Constitution of 1901, as amended, Act No. 81-889, S. 32, First Special Session 1981 (Acts 1981, First, Second and Third Special Sessions, p. 25) relating to the legislative process for certain appropriations.

Committee on Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Rep. Holmes:

H. 34. Proposing an amendment to Section 65 of the Constitution of 1901, which prohibits any lottery, so as to legalize only a lottery or lotteries or any scheme in the nature of a lottery or lotteries operated by the state; authorizing the establishment of a program for the legalized operation of a lottery or lotteries or scheme in the nature of a lottery or lotteries; and providing for the regulation of such operations.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Holmes:

H. 35. To establish the Alabama Bureau of State Non-racing Lotteries and provide for the administration and operation of a state lottery or lotteries or schemes in the nature of a lottery or lotteries; to establish the Legislative Lottery Oversight Committee and the membership, their appointment, duties and authority; to create the office of the commissioner of the bureau of state lotteries; to prescribe the powers and duties of the bureau and the commissioner, and the appointment, qualifications and compensation for the commissioner; to regulate the licensing of retail outlet agents and the sale of lottery tickets or shares; to provide for the collection of receipts and the distribution of net revenues; for purposes of the general fund, special educational trust fund and medicaid; to make an initial appropriation from the general fund of the state treasury, in the form of a loan, to the bureau of state lotteries for implementing the provisions of this act and to prescribe the manner of repayment of such funds to the said general fund; to require the commissioner to make certain reports to the Governor, the Lottery Advisory Committee, state treasurer and legislature and to prescribe post audits by the state auditor and examiners of public accounts; to require certain state agencies and political subdivisions to provide assistance to the bureau; to require the director of public safety to make investigations in connection with the lottery operations and to perform other law enforcement activity therefor; to provide that upon certification of expenses, the department of public safety shall be reimbursed for actual expenses from lottery overhead funds; to require contracts be made pursuant to the public bid laws; to prohibit certain persons from purchasing lottery tickets or shares; to proscribe the levying of any state, county or local taxes upon the proceeds of any prize awarded by the state lottery; to prescribe penalties for certain violations and crimes; and to specifically provide that no provision of this act shall be construed to rescind or repeal, in whole or in part, any existing or future constitutional amendment or statute authorizing dog racing, horse racing or charitable bingo.

Committee on Ways and Means.

By Reps. Cosby and White (L):

H. 36. This bill amends the 1975 Code of Alabama, sections 41-15-2 through 41-15-9 and 41-15-11 to provide increased discounts for all insured, to clarify other provisions relating to the duties and responsibilities of the State Insurance Fund.

Committee on Insurance.

By Reps. Cosby and White (L):

H. 37. To allow as a cost saving measure the State of Alabama to purchase a blanket bond to cover all notaries public within state government,

to provide for the termination of an employee's notary commission upon separation from state government, to require notification and to relieve the probate judge of certain liability.

Committee on Insurance.

By Reps. Carothers and Faulk:

H. 38. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1989, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Committee on Ways and Means.

By Rep. Venable:

H. 39. To amend further section 17-4-156, Code of Alabama 1975, as amended, relating to meeting days of the boards of registrars, so as to provide further for such meeting days and to provide an effective date.

Committee on Constitution and Elections.

By Reps. White (G) and Slaughter:

H. 40. To amend Section 40-12-223, Code of Alabama 1975, for the purpose of exempting from the leasing tax imposed by Sections 40-12-220 through 40-12-227, Code of Alabama 1975, the gross proceeds derived from the leasing of tangible personal property pursuant to a sale-lease back financing that meets certain conditions, including the initial acquisition of such property by the lessee or by an entity controlled by, or under common control with, the lessee, the subsequent sale of such property to the lessor, and the leasing back of such property from the lessor by the lessee pursuant to a lease which, among other things, has a term of not less than fifteen years and does not constitute a sale for either Alabama or federal income tax purposes or both.

Committee on Ways and Means.

By Rep. Buskey (JL):

H. 41. To amend §1-3-8 of the Code of Alabama 1975, so as to further provide for State holidays in this state; to provide that National Memorial Day shall be a legal holiday in this state and for the celebration of Confederate Memorial Day and Jefferson Davis' birthday on such day; to further provide for the celebration of Mardi Gras in this state; and to provide for personal leave days for State employees in lieu of certain holidays.

Committee on State Administration.

By Rep. Slaughter:

H. 42. To amend Section 39-1-1, Code of Alabama 1975, requiring bonds for persons, firms or corporations contracting with the state or political subdivisions thereof for repair or construction of public buildings, works, highways or bridges, by adding at the end of subsection (a) of the existing section a provision adding public corporations and authorities as political subdivisions covered by the section, but providing for the exemption, from the requirements of the section, of any real or personal property leased to

a private entity and owned by a private entity for Alabama or federal income tax purposes.

Committee on Ways and Means.

By Rep. Buskey (JL):

H. 43. To propose and provide for the submission of an amendment amending Section 71 of the Constitution of 1901 and repealing Section 73 of the Constitution of 1901, so as to provide further for certain appropriations in the general appropriations bill.

Committee on Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Mathis:

H. 44. To amend Sections 32-9-20 and 32-9-25 of the Code of Alabama 1975 relating to motor vehicle sizes and lengths so as to further regulate the sizes and lengths of motor vehicles on highways in Alabama, and to further regulate exceptions and exemptions.

Committee on Health.

By Rep. Harper:

H. 45. To delete or restrict certain deductions from gross income for Alabama Income Tax purposes.

Committee on Ways and Means.

By Reps. Carothers and Harper:

H. 46. To impose a fee on the rental of video cassettes; to provide for the method of reporting and paying the fee; to provide for a fee for the revenue department for the collection of same; to provide for penalties for failure to pay; and to provide that the proceeds go to the general fund of the state of Alabama.

Committee on Ways and Means.

By Rep. Harper:

H. 47. To amend certain sections of the sales and use tax statutes as provide for in the Code of Alabama, 1975.

Committee on Ways and Means.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Johnson (RG):

H. J. R. 3. STATING THE LEGISLATIVE INTENT FOR H.B. 209, ACT NO. 88-731, FIRST SPECIAL SESSION, 1988.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is the intent of the Legislature pertaining to House Bill 209, Act. No. 88-731, First Special Session 1988,

that only a single \$50.00 reinstatement charge can be made for a cancellation, suspension or revocation action.

On motion of Rep. Johnson (RG), the rules were suspended and the resolution, H. J. R. 3, was adopted.

Also:

By Rep. Rains:

H. J. R. 4. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE FEASIBILITY OF ESTABLISHING A HEALTH AND MEDICAL CARE FUND.

WHEREAS, for many years certain revenues have been allocated to the Alabama Special Educational Trust Fund to be used for education purposes; and

WHEREAS, by authority of a 1923 Act, revenues have been set aside in a special fund known as the State Highway Fund to be used for the expense of the Highway Department and construction and maintenance of highways, roads and bridges; and

WHEREAS, at the present time, funds for health and medical care are appropriated to the general fund to be distributed to the several state agencies and departments responsible for various health and medical programs; and

WHEREAS, the demand for more state funds for health and medical programs has increased and will continue to increase; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That legislators study the feasibility of establishing a separate Health and Medical Care Fund in the state treasury to be appropriated to the state agencies and departments for health and medical care.

BE IT FURTHER RESOLVED, That there is hereby established a joint committee to study the feasibility of establishing a health and medical care fund in the state treasury to be composed of five members of the House of Representatives, to be appointed by the Speaker of the House and five members of the Senate, to be appointed by the Lieutenant Governor. It shall be the duty and function of the committee to completely analyze the functions and funding of the state agencies and departments responsible for the various facets of health and medical care to determine if the needs of the citizens of Alabama would be better met by funds being allocated to a separate fund in the state treasury to be used solely for health and medical care.

The committee shall elect a chairman from its members.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1989 Regular Session, at which time it shall be dissolved.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however,

that members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$5,000.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 4, was adopted.

Also:

By Rep. Black:

H. J. R. 5. MOURNING THE DEATH OF MR. JESSIE DIXON OF CHOCTAW CITY, ALABAMA.

WHEREAS, the Alabama Legislature grievously records the death of Mr. Jessie Dixon of Choctaw City, Choctaw County, Alabama, on September 25, 1988, at the age of 74 years; and

WHEREAS, Mr. Dixon, a prominent community leader, served as treasurer of the Concerned Citizens Organization, was a former Worshipful Master of his Masonic lodge, former Worthy Patron of Order of Eastern Star, and was an active member and steward of Cooper Chapel CME Church; and

WHEREAS, the death of Mr. Dixon has indeed left a deep void in the life of the community and in the hearts of his beloved family, neighbors and friends, all of whom are sorely bereft in their great and grievous loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mr. Jessie Dixon of Choctaw City in Choctaw County, Alabama, and extend sincere and deepest sympathy to his wife, Mrs. Eva Dixon; to his five daughters and five sons; and to other family members, whose sorrow we share and for whom a copy of this resolution shall be provided.

On motion of Rep. Black the rules were suspended and the resolution, H. J. R. 5, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Black:

H. R. 6. MOURNING THE DEATH OF MR. JESSIE DIXON OF CHOCTAW CITY, ALABAMA.

Also:

The following resolutions were introduced:

By Reps. Kvalheim, Gaston and Zoghby:

H. J. R. 7. COMMENDING ROSEMARY FOX, 1988 REALTOR OF THE YEAR.

WHEREAS, the Alabama Legislature most heartily congratulates and commends Rosemary C. Fox of Mobile as 1988 Realtor of the Year, a prestigious bestowal by the Mobile County Board of Realtors in recognition of Ms. Fox's significant contribution to profession and community; and

WHEREAS, Rosemary Fox, in professional service and leadership, is secretary-treasurer of the Mobile County Board; has served two terms on the Board and chaired eight committees; and also has served the Women's Council of Realtors as president and in other positions as well; and

WHEREAS, at higher professional levels, Ms. Fox has served two terms on the state board of directors and as chairman of four different committees; she is a former officer of the State Women's Council and has served on five committees of the National Association of Realtors and the National Women's Council; and

WHEREAS, Ms. Fox further is involved in numerous civic and community activities, including service and leadership with the Mobile SPCA, Mobile Animal Shelter Advisory Board, Mobile Arts Council, Chamber of Commerce, Heart Fund and Junior Achievement, among others, and has been appointed by the Alabama Attorney General and Secretary of State to serve on three state task forces; and

WHEREAS, Rosemary Fox, in addition to the Mobile County Realtor of the Year Award, is the recipient of many other recognitions including Gayfers' Outstanding Career Award, Outstanding Young Women of America and WCR Mobile Chapter Woman of the Year, as well as several statewide honors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Rosemary C. Fox of Mobile, Alabama, for outstanding professional contributions and achievements, and for distinguished community service, and do further direct that she receive a copy of this resolution of sincere warm praise and esteem.

On motion of Rep. Kvalheim, the rules were suspended and the resolution, H. J. R. 7, was adopted.

Also:

By Reps. Bugg and Junkins:

H. R. 8. URGING THE ETOWAH COUNTY BOARD OF EDUCATION TO PROVIDE MIDDLE AND HIGH SCHOOL CLASSES AT HIGHLAND SCHOOL.

WHEREAS, because of the lack of middle and high school classes at Highland School in Etowah County, students in those grades are forced to ride school buses many miles each day thus increasing the possibility of accidents; and

WHEREAS, the members of the House of Representatives of the Legislature of Alabama are aware of a recent school bus accident involving buses transporting students to the Etowah High School and Etowah Middle School; and

WHEREAS, as a result of such accident, several students were hospitalized; and

WHEREAS, with the availability of middle and high school grades at Highland School students in the area would not be required to ride such long distances; now therefore,

BE IT FURTHER RESOLVED, That the Etowah County Board of Education receive a copy of this resolution so that they may know of our concern.

On motion of Rep. Bugg, the rules were suspended and the resolution, H. R. 8, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Flowers:

H. R. 9. COMMENDING STATE HEALTH OFFICER, DR. CLAUDE EARL FOX.

H. 7 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, H. 7, from the Standing Committee on Local Government to the Standing Committee on Health.

NOTICE IN WRITING

Rep. Hammett filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made to amend the rules of the House as follows:

On page 17, Rule 6(1) by deleting the following language: ~~Provided further, that the House shall not consider a House bill which is amended in the Senate unless said bill is received from the Senate before the House adjourns on the 20th legislative day.~~

Further amend by deleting Rule 6(2) in its entirety and renumbering the subsequent subsections accordingly.

LEAVE OF ABSENCE

At the request of Rep. Parker, leave of absence was granted for Rep. Marks.

ADJOURNMENT

On motion of Rep. Penry and pursuant to the resolution, H. R. 2, heretofore adopted, the House adjourned until 4:00 o'clock p.m., Tuesday, September 27, 1988.

SECOND DAY

House of Representatives
Montgomery, Alabama
Tuesday, September 27, 1988

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rep. Charles Britnell.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chuck Spivey.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Jenkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the first legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the first legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the first legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Holmes, leave of absence was granted for Rep. Reed.

BILLS ON SECOND READING

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 8. (With Substitute) (With Amendment): Relating to taxation and operation of pari mutuel racing and race tracks; to provide for the addition of additional privilege, entrance and license taxes upon pari mutuel racing, race track licensees, and patrons thereof; to amend section 40-11-5 of the Code of Alabama 1975, relating to taxation of pari mutuel racing and activities related thereto, so as to provide that all pari mutuel race tracks shall pay income taxes, municipal and county occupational taxes, state and local taxes on merchandise, food or beverage sold, all taxes and license fees imposed or

related to the sale of alcoholic beverages; to eliminate the limitation on exemptions heretofore granted by local acts; to allow pari mutuel tracks to operate on all days with the exception of Sunday; to provide that licensees may issue tax-free complimentary passes or cards to any guests for promotional purposes.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 34. Proposing an amendment to Section 65 of the Constitution of 1901, which prohibits any lottery, so as to legalize only a lottery or lotteries or any scheme in the nature of a lottery or lotteries operated by the state; authorizing the establishment of a program for the legalized operation of a lottery or lotteries or scheme in the nature of a lottery or lotteries; and providing for the regulation of such operations.

The above bill was read a second time at length as required by the Constitution.

H. 35. To establish the Alabama Bureau of State Non-racing Lotteries and provide for the administration and operation of a state lottery or lotteries or schemes in the nature of a lottery or lotteries; to establish the Legislative Lottery Oversight Committee and the membership, their appointment, duties and authority; to create the office of the commissioner of the bureau of state lotteries; to prescribe the powers and duties of the bureau and the commissioner, and the appointment, qualifications and compensation for the commissioner; to regulate the licensing of retail outlet agents and the sale of lottery tickets or shares; to provide for the collection of receipts and the distribution of net revenues; for purposes of the general fund, special educational trust fund and medicaid; to make an initial appropriation from the general fund of the state treasury, in the form of a loan, to the bureau of state lotteries for implementing the provisions of this act and to prescribe the manner of repayment of such funds to the said general fund; to require the commissioner to make certain reports to the Governor, the Lottery Advisory Committee, state treasurer and legislature and to prescribe post audits by the state auditor and examiners of public accounts; to require certain state agencies and political subdivisions to provide assistance to the bureau; to require the director of public safety to make investigations in connection with the lottery operations and to perform other law enforcement activity therefor; to provide that upon certification of expenses, the department of public safety shall be reimbursed for actual expenses from lottery overhead funds; to require contracts be made pursuant to the public bid laws; to prohibit certain persons from purchasing lottery tickets or shares; to proscribe the levying of any state, county or local taxes upon the proceeds of any prize awarded by the state lottery; to prescribe penalties for certain violations and crimes; and to specifically provide that no provision of this act shall be construed to rescind or repeal, in whole or in part, any existing or future constitutional amendment or statute authorizing dog racing, horse racing or charitable bingo.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment and they were severally read a second time and placed on the Calendar, to-wit:

H. 2. (With Amendment): Proposing an amendment to Section 65 of the Constitution of 1901, which prohibits any lottery, so as to legalize only

a lottery or lotteries or any scheme in the nature of a lottery or lotteries operated by the state and in certain counties authorized by a general statute; authorizing the legislature, at its discretion, to establish a pilot program for the legalized operation of a lottery or lotteries; and authorizing the legislature to regulate such operations.

The above bill was read a second time at length as required by the Constitution.

H. 3. (With Amendment): To create the Alabama State Lottery Act which establishes a state lottery as a revenue-raising agency of state government and provides for its operation and administration; to provide for a commission, the agency and its divisions, director, and other personnel, their appointments, powers, compensation and duties; to regulate vendors, suppliers, contractors and retailers; to prescribe the manner for collecting receipts and distributing the net revenues and to make appropriations therefor; to confer certain peace officer status and access to certain criminal records; to provide for a temporary loan from the state treasury as "seed money" for the start-up of the lottery operation and to require repayment; to provide certain other funding where an emergency exists; to regulate the lottery operation and provide for strict accounting, security and reporting procedures; to prescribe penalties for certain violations and crimes; to exclude the state lottery from the operation of sunset requirements and the administrative procedures act, as well as certain state, county and local taxes; to define lottery or lotteries and other terms; to provide certain compensation for the commission members, the director and other personnel; to prohibit the divulging of certain patent information and trade secrets, or the usage of the theme of bingo, dog racing or horse racing in lottery games; to prescribe the manner of validating and awarding prizes as well as providing certain judicial processes.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 46. To impose a fee on the rental of video cassettes; to provide for the method of reporting and paying the fee; to provide for a fee for the revenue department for the collection of same; to provide for penalties for failure to pay; and to provide that the proceeds go to the general fund of the state of Alabama.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 45. (With Amendment): To delete or restrict certain deductions from gross income for Alabama Income Tax purposes.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 11. (With Substitute): Proposing an amendment to the Constitution of Alabama of 1901, authorizing the governing body of each county in the state to levy and collect additional taxes for local school purposes, road and

bridge purposes, public improvement purposes and/or for general fund purposes, to provide for a statewide levy of an additional tax for local school purposes, to provide for a new Class III property and to provide for the assessment of such property for ad valorem tax purposes.

The above bill was read a second time at length as required by the Constitution.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 47. To amend certain sections of the sales and use tax statutes as provide for in the Code of Alabama, 1975.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 15. (With Amendment): To amend Section 40-26-20 of the Code of Alabama, 1975 relating to the disposition of proceeds from the transient occupancy tax.

H. 14. (With Amendment): To amend Section 40-12-227 of the Code of Alabama, 1975 relating to the disposition of tax proceeds on the leasing or renting of tangible personal property.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 12. (With Substitute): To amend Sections 40-21-87 and 40-21-107 of the Code of Alabama, 1975 relating to the disposition of tax proceeds on utility gross receipts and utility service use.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 9. (With Substitute) (With Amendment): To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1989.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 10. To provide for the creation of a special account to which the Legislature shall appropriate certain funds to prevent proration in the Alabama Special Educational Trust Fund; to prescribe criteria and procedures for withdrawals from such account in years of proration or in emergency

situations as may be determined by the Legislature; to make annual appropriations to such account until a certain amount is established and to provide that such amount shall be maintained in separate trust from year to year except during years or proration in the Alabama Special Educational Trust Fund and in emergencies; to prescribe procedures and criteria for reimbursement to such account after withdrawals; to provide for the retention of accrued interest; to provide for an effective date; and to repeal conflicting provisions.

H. 32. Providing for elected superintendents of education to participate in the teachers' retirement system upon ratification of an amendment to the Constitution of Alabama 1901 allowing such elected superintendents to participate in such retirement system.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 40. (With Substitute): To amend Section 40-12-223, Code of Alabama 1975, for the purpose of exempting from the leasing tax imposed by Sections 40-12-220 through 40-12-227, Code of Alabama 1975, the gross proceeds derived from the leasing of tangible personal property pursuant to a sale-lease back financing that meets certain conditions, including the initial acquisition of such property by the lessee or by an entity controlled by, or under common control with, the lessee, the subsequent sale of such property to the lessor, and the leasing back of such property from the lessor by the lessee pursuant to a lease which, among other things, has a term of not less than fifteen years and does not constitute a sale for either Alabama or federal income tax purposes or both.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 42. To amend Section 39-1-1, Code of Alabama 1975, requiring bonds for persons, firms or corporations contracting with the state or political subdivisions thereof for repair or construction of public buildings, works, highways or bridges, by adding at the end of subsection (a) of the existing section a provision adding public corporations and authorities as political subdivisions covered by the section, but providing for the exemption, from the requirements of the section, of any real or personal property leased to a private entity and owned by a private entity for Alabama or federal income tax purposes.

H. 38. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1989, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

H. 16. To make an appropriation from the State General Fund to the Mallard Fox Creek Port and Industrial Park for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 17. To make an appropriation of \$100,000 from the State General Fund to America's Junior Miss Pageant, Inc. for the fiscal year ending September 30, 1989.

H. 18. To make an appropriation of \$20,000 from the State General Fund to Brierfield Ironworks for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 19. To make an appropriation for the support and maintenance of the Cleveland Avenue YMCA for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 20. To make an appropriation of \$50,000 from the State General Fund to Desoto Commission for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 21. To make an appropriation of \$200,000 from the State General Fund to Fort Gaines for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 22. To make an appropriation of \$20,000 from the State General Fund to Fort Payne Depot for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 24. To make an appropriation from the State General Fund to the Wallace Industrial Air Park for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 25. To make an appropriation of \$75,000 from the State General Fund to Alabama Travel Council for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 26. To make an appropriation of \$50,000 from the State General Fund to the Southern Museum of Flight for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 27. To make an appropriation of \$30,000 from the State General Fund to the Pea River Historical Society for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 28. To make an appropriation of \$50,000 from the State General Fund to the Mountain Lakes Tourist Association for the fiscal year ending September 30, 1989.

H. 29. To make an appropriation of \$5,000 from the State General Fund to Lee County Historical Society and Museum for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 30. To make an appropriation of \$30,000 from the State General Fund to Helen Keller Property Board for the fiscal year ending September

30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 31. To make an appropriation of \$50,000 from the State General Fund to W. C. Handy Property Board for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

H. 23. To make an appropriation from the State General Fund in the amount of \$50,000 to the Alabama Mining Museum in Dora, Alabama for the fiscal year ending September 30, 1989 and to require an operations plan and audited financial statement prior to release of any funds.

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 13. (With Amendment): To amend Sections 40-1-31 and 40-21-58 of the Code of Alabama, 1975, relating to telephone company privilege taxes.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 5. This bill provides for an exception to the confidentiality provision of Chapter 11a of Title 22, Code of Alabama 1975, when a potential risk exists in the spread of a contagious disease by authorizing the State Committee of Public Health to establish guidelines for notification of pre-hospital transport agencies, funeral directors, school superintendents and others when indicated. The bill further sets penalties for violation.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 44. (With Substitute): To amend Sections 32-9-20 and 32-9-25 of the Code of Alabama 1975 relating to motor vehicle sizes and lengths so as to further regulate the sizes and lengths of motor vehicles on highways in Alabama, and to further regulate exceptions and exemptions.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 7. Relating to motor vehicle licenses, registration and parking; to amend Sections 32-6-230, 32-6-231, 32-6-232, 32-6-233, 32-6-233.1 and 32-6-234 of the Code of Alabama 1975, so as to provide that certain temporarily handicapped individuals shall be granted temporary identification placards for use in special parking places reserved for handicapped persons; to authorize reciprocal agreements with other states regarding such parking places and to provide penalties for misuse and abuse of such parking places.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable

report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 33. Proposing an amendment to the Constitution of 1901, as amended, relating to the legislative process for considering the major appropriations bills for the operations of education, the operations of the executive, legislative and judicial branches of state government, the state public debt, and the other business of state government and setting a time frame therefor; and repealing Amendment No. 448 to the Constitution of 1901, as amended, Act No. 81-889, S. 32, First Special Session 1981 (Acts 1981, First, Second and Third Special Sessions, p. 25) relating to the legislative process for certain appropriations.

The above bill was read a second time at length as required by the Constitution.

H. 39. To amend further section 17-4-156, Code of Alabama 1975, as amended, relating to meeting days of the boards of registrars, so as to provide further for such meeting days and to provide an effective date.

RESOLUTION

The following resolution was introduced:

By Rep. Campbell:

H. R. 10. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, September 27, 1988, we adjourn to meet again on Wednesday, September 28, 1988, at 10:00 A.M.

On motion of Rep. Campbell, the rules were suspended and the resolution, H. R. 10, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Newman (With Notice and Proof):

H. 48. Relating to Lamar County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and providing for the distribution of the proceeds therefrom.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 48, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Laird:

H. 49. To amend Section 40-25-2 of the Code of Alabama 1975, so as to levy an additional privilege and license tax on the sale, storage, use, consumption or delivering of cigarettes within this state; to amend Section

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2nd Day

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40-25-23 of the Code of Alabama 1975, to provide for the disposition of the additional tobacco tax proceeds; to correct the identification of the Department of Mental Health and Mental Retardation, and provide for distribution for servicing bonds issued under the authority of Amendment 266 to the Constitution of Alabama.

Committee on Ways and Means.

By Rep. Turnham:

H. 50. To amend Section 27-4-2, Code of Alabama 1975, as amended by the Act that H. 310 of the 1988 First Special Session will become, which provides for the collection of certain fees and licenses by the Commissioner of Insurance, also as to increase certain fees, and to provide that the effective date of this act shall be October 1, 1988.

Committee on Ways and Means.

By Reps. Hooper and McMillan:

H. 51. To amend Section 41-23-22, Code of Alabama 1975, relating to the criteria and number of enterprise zones, so as to increase the authorized number from 25 to 27.

Committee on Small Business.

By Rep. Black (With Notice and Proof):

H. 52. Relating to Sumter County; to provide for an excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county at the rate of two (2) cents per gallon; to provide that said tax shall be levied by the county commission, and to grant authority for said levy; to provide for the collection and payment of such tax and to provide for the distribution and the use of the funds derived therefrom; to authorize the Sumter County Commission to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the Sumter County Commission for the collection of said taxes; and to repeal Act No. 87-619 of the Regular Session of the Alabama Legislature and Act No. 88-444 of the Regular Session of the Alabama Legislature.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 52, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Black (With Notice and Proof):

H. 53. Relating to Greene County; to provide for an excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county at the rate of two (2) cents per gallon; to provide that said tax shall be levied by the county commission, and to grant authority for said levy; to provide for the collection and payment of such tax and to

provide for the distribution and the use of the funds derived therefrom; to authorize the Greene County Commission to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the Greene County Commission for the collection of said taxes; and to repeal Act No. 87-621 of the 1987 Regular Session (Acts 1987) of the Alabama Legislature and Act No. 88-442 of the 1988 Regular Session (Acts 1988) of the Alabama Legislature.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 53, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Logan (With Notice and Proof):

H. 54. Relating to Winston County; authorizing and providing for the incorporation of the Winston County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with the protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting

the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 54, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Logan (With Notice and Proof):

H. 55. Relating to Winston County; levying a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975, and a special county excise tax paralleling the state use taxes levied on the storage or use of certain automotive vehicles provided for by section 40-23-102, Code of Alabama 1975; specifying the rates at which such taxes shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said taxes; providing for enforcement of this act; and providing for a referendum.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 55, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Britnell (With Notice and Proof):

H. 56. Relating to Marion County; authorizing and providing for the incorporation of the Marion County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water

service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

Committee on Local Legislation No. 1.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 56, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

NOTICE IN WRITING

Rep. Johnson (RW) filed the following Notice in Writing:

Notice is hereby given that on the next legislative day a motion will be made to amend the rules of the House as follows:

On page 17, Rule 6(1) by deleting the following language: ~~Provided further, that the House shall not consider a House bill which is amended in the Senate unless said bill is received from the Senate before the House adjourns on the 20th legislative day.~~

Further amend by deleting Rule 6(2) in its entirety and renumbering the subsequent subsections accordingly.

Further amend by deleting Rule 25 in its entirety and renumbering the remaining rules accordingly.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (RW):

H. J. R. 11. COMMENDING MORRIS SOKOL OF TUSCALOOSA, ALABAMA, AND DESIGNATING HIM AS DIRECTOR EMERITUS OF

THE TUSCALOOSA COUNTY PARK AND RECREATION AUTHORITY BOARD.

WHEREAS, Morris Sokol of Tuscaloosa, Alabama, is a native of Birmingham and a graduate of Phillips High School and of the University of Alabama School of Commerce and Business Administration; he also attended the University of Alabama School of Law, and is a United States Army veteran of World War II who rose to the rank of captain and served in the European Theatre of Operations; and

WHEREAS, "Munny" Sokol, as he is widely and affectionately known, is a prominent Alabama businessman who retired in 1969 as president and manager of a highly successful retail furniture chain; and

WHEREAS, in addition, however, to his business responsibilities, Mr. Sokol early assumed a responsible and highly commendable leadership role in community, state and national affairs, serving with utmost dedication and generously extending his talents and ability to include innumerable charitable, religious, civic and community endeavors in the Tuscaloosa area, throughout the state and on the national level, as well; and

WHEREAS, Mr. Sokol has been most particularly conscientious in service to the Tuscaloosa County Park and Recreation Authority, having served with distinction as a member of the Authority's board since its inception in 1969 until 1988; and

WHEREAS, in commendation of Mr. Sokol's many outstanding contributions to community, state and nation, it is entirely desirable that such service be recognized in an appropriate manner of lasting honor and tribute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate Morris "Munny" Sokol of Tuscaloosa, Alabama, as Director Emeritus of the Tuscaloosa County Park and Recreation Authority Board and who shall be vested with all privileges, save voting power, thereto associated with said lifetime term of service.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Sokol as a memento of this honorary designation of the legislature.

On motion of Rep. Johnson (RW), the rules were suspended and the resolution, H. J. R. 11, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bedford:

S. J. R. 2. EXPRESSING LEGISLATIVE INTENT RELATING TO ACT NO. 88-397, H. 721, REGULAR SESSION 1988, RELATING TO MARION COUNTY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby declare and state

that the legislative intent of Act No. 88-397, H. 721 (Acts 1988, p. 586), is to provide that the revenue collected pursuant to the act be used by the newly named Marion County Water Coordinating and Fire Prevention Authority.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the tax collector of Marion County.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Britnell, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 2, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bedford:

S. J. R. 3. EXPRESSING LEGISLATIVE INTENT RELATING TO ACT NO. 88-560, S. 665, REGULAR SESSION 1988, RELATING TO FRANKLIN COUNTY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby declare and state that the legislative intent of Act No. 88-560, S. 665 (Acts 1988, p. 876), is to provide that the revenue collected pursuant to the act be used by the newly named Franklin County Water Coordinating and Fire Prevention Authority.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the tax collector of Franklin County.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Britnell, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 3, set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Moon and Junkins:

H. J. R. 12. MOURNING THE DEATH OF ROY DAVID JOHNSON OF ARAB, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Roy David Johnson of Arab, Alabama, on July 28, 1988; and

WHEREAS, a native of Rome, Georgia, and formerly of the Diamond Community near Guntersville, Mr. Johnson attended school in Guntersville, and in Tallahassee, Florida, where he played high school football; and

WHEREAS, Mr. Johnson enlisted in the National Guard during World War II and, when his unit was activated, was sent overseas with the U. S. Infantry, landing at Omaha Beach six days after D-Day; and

WHEREAS, on August 7, 1944, Mr. Johnson was captured by the Germans; was imprisoned at Trier, Germany, Stalag XII-A and Stalag III-C; and was decorated with the Combat Infantry Badge, Mortain Distinguished Unit Badge, Normandy Campaign Badge, the Northern France Campaign Badge, the Presidential Unit Citation, and just four days before his death, received the Prisoner of War Badge that was authorized recently by the Congress; and

WHEREAS, Mr. Johnson, a retired plastering contractor and grocer, was a deacon for 24 years and deacon emeritus of the First Baptist Church of Arab, former longtime Democratic Beat 26 committeeman and a charter member and past chaplain of his community's Disabled American Veterans chapter; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Roy David Johnson of Arab, Alabama, and extend our very deepest sympathy to his wife, Mrs. Gladys Junkins Johnson; to his children, Jane Johnson Hamm, Neal Johnson and Roy W. Johnson; and to other family members, for whom a copy of this resolution shall be provided that they may know of our shared sorrow in their great and inconsolable loss.

On motion of Rep. Moon, the rules were suspended and the resolution, H. J. R. 12, was adopted.

Also:

By Reps. Buskey (JL), McKee, Hooper, Holmes, Mikell and Walker:

H. J. R. 13. COMMENDING THE CENTRAL ALABAMA OPPORTUNITIES INDUSTRIALIZATION CENTER, INC., ON ITS TWENTIETH ANNIVERSARY.

WHEREAS, the Alabama Legislature notes that on September 16, 1968, the Central Alabama Opportunities Industrialization Center, Incorporated (OIC), organized by Mrs. Consuello "Connie" J. Harper, has provided a voluntary self-help training program for the unemployed, underemployed, unskilled and semiskilled persons to function more effectively in the community and society by offering to help people to help themselves; and

WHEREAS, Central Alabama OIC in 1968 received its first donation from Governor George C. Wallace and later in 1970 as Governor, he appropriated \$35,000 from his discretionary funds, and in 1977, Governor Wallace implemented a line item appropriation in the state budget in the amount of \$350,000 for OIC, and in 1986, Governor Wallace provided matching state funds of \$300,000 to build the new Central Alabama OIC facility; and

WHEREAS, Central Alabama OIC in 1970 started the first rural transit system in the deep South and was rated among the top five manpower programs in the Nation by Development Associates, Inc., under contract from the Office of Economic Opportunity; and

WHEREAS, The Alabama Journal on October 13, 1972, published an editorial proclaiming the OIC program "one of the truly remarkable manpower training systems in the country"; and

WHEREAS, Central Alabama OIC has contributed 100% of its time in providing services to low-income elderly through housing counseling, housing rehabilitation and housing development; and

WHEREAS, Central Alabama OIC receives private industry support to supplement its programs and has expanded the OIC program with counseling, job survival skills training and placement and follow-up for youth 16-21 years of age; and

WHEREAS, the National Alliance of Business' Distinguished Performance Award was presented to Central Alabama OIC for being the best job placement agency for youth in the nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do recognize the many contributions, dedication and visionary goals of the leaders and officers of the Central Alabama OIC over its twenty years of service, all of which have provided job opportunities for the unemployed, underemployed, unskilled or semiskilled person and has served the needs of numerous Alabama families.

BE IT FURTHER RESOLVED, That our best wishes and congratulations are given to all members and participants of the Central Alabama Opportunities Industrialization Center, Inc., on the celebration of its twentieth anniversary.

RESOLVED FURTHER, That official copies of this resolution be transmitted to the appropriate officers or executives of the organization so that they and their members may know of this Legislature's appreciation for their many contributions to numerous Alabamians and communities.

On motion of Rep. Buskey (JL), the rules were suspended and the resolution, H. J. R. 13, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Rice:

S. J. R. 4. MOURNING THE DEATH OF A. B. CLARK OF DOTHAN, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Turnham, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 4, the title of which is set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Flowers:

H. R. 14. HONORING OUR COLLEAGUE, MIKE HILL OF BIRMINGHAM, AND DESIGNATING HIM AS THE MOST ENTHUSIASTIC FRESHMAN MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES FOR 1988.

Also:

By Rep. Flowers:

H. R. 15. HONORING OUR COLLEAGUE, RICHARD LAIRD OF ROANOKE, AND DESIGNATING HIM AS THE MOST INDUSTRIOUS MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES FOR 1988.

Also:

By Rep. Flowers:

H. R. 16. HONORING OUR COLLEAGUE, BOBBY CROW OF ANISTON, AND DESIGNATING HIM AS THE MOST CAPABLE MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES FOR 1988.

Also:

By Rep. Blake:

H. R. 17. HONORING OUR COLLEAGUE, STEVE FLOWERS OF TROY, AND DESIGNATING HIM AS THE MOST ETHICAL MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES FOR 1988.

Also:

By Rep. Flowers:

H. R. 18. HONORING OUR COLLEAGUE, ROY JOHNSON OF TUSCALOOSA, AND DESIGNATING HIM AS THE MOST KNOWLEDGEABLE MEMBER OF THE ALABAMA HOUSE OF REPRESENTATIVES FOR 1988.

ADJOURNMENT

On motion of Rep. Gray and pursuant to the resolution, H. R. 10, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Wednesday, September 28, 1988.

THIRD DAY

House of Representatives
Montgomery, Alabama
Wednesday, September 28, 1988

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Hayden Center, Pastor, Heritage Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Leanne Putman.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the second legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the second legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the second legislative day was approved.

BILLS ON SECOND READING

Rep. Walker, Chairman of the Standing Committee on Small Business, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 51. To amend Section 41-23-22, Code of Alabama 1975, relating to the criteria and number of enterprise zones, so as to increase the authorized number from 25 to 27.

Rep. Rains, Chairman of the Standing Committee on local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 48. Relating to Lamar County; levying a county privilege, license or excise tax on the sale, distribution, storage, use or other consumption of

tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax; and providing for the distribution of the proceeds therefrom.

H. 52. Relating to Sumter County; to provide for an excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county at the rate of two (2) cents per gallon; to provide that said tax shall be levied by the county commission, and to grant authority for said levy; to provide for the collection and payment of such tax and to provide for the distribution and the use of the funds derived therefrom; to authorize the Sumter County Commission to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the Sumter County Commission for the collection of said taxes; and to repeal Act No. 87-619 of the Regular Session of the Alabama Legislature and Act No. 88-444 of the Regular Session of the Alabama Legislature.

H. 53. Relating to Greene County; to provide for an excise tax on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in said county at the rate of two (2) cents per gallon; to provide that said tax shall be levied by the county commission, and to grant authority for said levy; to provide for the collection and payment of such tax and to provide for the distribution and the use of the funds derived therefrom; to authorize the Greene County Commission to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this act and to fix the penalty for the violation of any provision of this act and of the rules and regulations prescribed by the Greene County Commission for the collection of said taxes; and to repeal Act No. 87-621 of the 1987 Regular Session (Acts 1987) of the Alabama Legislature and Act No. 88-442 of the 1988 Regular Session (Acts 1988) of the Alabama Legislature.

H. 54. Relating to Winston County; authorizing and providing for the incorporation of the Winston County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it;

authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

H. 55. Relating to Winston County; levying a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975, and a special county excise tax paralleling the state use taxes levied on the storage or use of certain automotive vehicles provided for by section 40-23-102, Code of Alabama 1975; specifying the rates at which such taxes shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said taxes; providing for enforcement of this act; and providing for a referendum.

H. 56. Relating to Marion County; authorizing and providing for the incorporation of the Marion County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and by county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water

service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

RESOLUTION

The following resolution was introduced:

By Rep. Bryant:

H. J. R. 19. CONGRATULATING THE FRANCIS MARION HIGH SCHOOL RAMS AS ALABAMA'S STATE 2A BASKETBALL CHAMPIONS.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature congratulates Francis Marion High School, Marion, Alabama, on the 1988 State 2A Basketball Championship; and

WHEREAS, under the talented leadership and direction of Head Coach Woodie Jackson, Selma Times Journal Coach-of-the-Year, the Marion High School Rams compiled a fantastic 26-3 regular season record; and

WHEREAS, the Rams then defeated Holy Family, 71-54, in the first game of the State Play-offs which they followed with a 66-53 win over Wicksburg High; in the Championship Game, it was 56 for the Rams, 55 for Clay County High School, and the State 2A Title belonged to the victorious Rams of Marion High; and

WHEREAS, Marion High School's Champion Cagers, each of whom contributed greatly to the Rams' overall 29-3 season and the State Crown, are Willie Shears, Joseph Moore, Noble Howze, Keith Tubbs, Stanley Stewart, Kay Arthur Parker, Chester Lapsley, Darryl Moore, Darryl Norfleet, Jimmy Fuller, Samuel Hollis and William Cole; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend our State 2A Basketball Champions, the Marion High School Rams, and Coach-of-the-Year Woodie Jackson for outstanding achievement, and do further direct that copies of this resolution be provided for presentation to Principal Maxine Coley, Athletic Director Edward Daniel, Coach Jackson and the Rams, and for appropriate school display.

On motion of Rep. Bryant, the rules were suspended and the resolution, H. J. R. 19, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Turner:

H. 57. To make a supplemental appropriation to the Marine Environmental Sciences Consortium for capital outlay for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

By Rep. Turner:

H. 58. To make a supplemental appropriation to the Marine Environmental Sciences Consortium for operations and maintenance for the fiscal year ending September 30, 1989.

Committee on Ways and Means.

LEAVE OF ABSENCE

At the request of Rep. Holmes, leave of absence was granted for Rep. Reed.

At the request of Rep. Butler, leave of absence was granted for Rep. Hettinger.

RESOLUTION

The following resolution was introduced:

By Rep. Burke:

H. J. R. 20. DESIGNATING THE ACT NO. 88-856, S. 196, 1988 FIRST SPECIAL SESSION, AS THE "BUTLER-DIXON CONTRACT REVIEW ACT."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 88-856, S. 196, 1988 First Special Session, is hereby designated the "Butler-Dixon Contract Review Act."

On motion of Rep. Burke, the rules were suspended and the resolution, H. J. R. 20, was adopted.

BILLS ON THIRD READING

H. 8 CARRIED OVER

On motion of Rep. Buskey (JL), the bill, H. 8, was carried over to the call of the Chair.

H. 34 TEMPORARILY CARRIED OVER

On motion of Rep. Holmes, the bill, H. 34, was temporarily carried over.

H. 35 TEMPORARILY CARRIED OVER

On motion of Rep. Holmes, the bill, H. 35, was temporarily carried over.

H. 2 TEMPORARILY CARRIED OVER

On motion of Rep. Rogers, the bill, H. 2, was temporarily carried over.

H. 3 TEMPORARILY CARRIED OVER

On motion of Rep. Rogers, the bill, H. 3, was temporarily carried over.

H. 46 CARRIED OVER

On motion of Rep. Carothers, the bill, H. 46, was carried over to the call of the Chair.

And the bill:

H. 45. (With Amendment): To delete or restrict certain deductions from gross income for Alabama Income Tax purposes.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 45 on page 4, subsection (10), by deleting lines 24 through 27 in their entirety and inserting in lieu thereof the following:

all sources.

Further amend House Bill 45 on page 16, subsection (10), by deleting lines 7 through 10 in their entirety and inserting in lieu thereof the following:

January 1, 1985;

And the amendment was adopted.

Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Flowers, Ford, Frazier, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Jenkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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And the bill, H. 45 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 31.

Yeas:

Mr. Speaker, Adams, Beasley, Blakeney, Bowling, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Fuller, Goodwin, Grayson, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Holmes, Johnson (RG), Johnson (RW), Kennedy, Knight, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, Moon, Newman, Newton, Parker, Penry, Perdue, Petelos, Rains, Richardson, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, White (G), White (L) and Zoghby.

—65

Nays:

Reps. Beers, Biddle, Black, Blake, Box, Brooks, Buskey (JE), Crow, Frazier, Freeman, Gaston, Gray, Grouby, Hall, Harvey, Hogan, Holley, Hooper, Junkins, Kvalheim, Layson, McKee, McMillan, Payne, Poole, Turner, Warren, White (F), Williams, Willis and Wright.

—31

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Mikell would have voted "Yea" on the bill, H. 45, had he been in the Chamber at the time of voting.

And the bill:

H. 46. To impose a fee on the rental of video cassettes; to provide for the method of reporting and paying the fee; to provide for a fee for the revenue department for the collection of same; to provide for penalties for failure to pay; and to provide that the proceeds go to the general fund of the state of Alabama.

Was taken up.

AMENDMENT OFFERED

Rep. Penry offered the following amendment to the bill, H. 46:

To amend H. B. 46 on page 1 line 28 by deleting the words "twenty-five cents (\$.25)" and inserting in lieu thereof the words "ten percent"

H. 46 CARRIED OVER

On motion of Rep. Carothers, the bill, H. 46, and the pending amendment were temporarily carried over.

HOUSE RULE SUSPENDED

On motion of Rep. Carothers, House Rule 36 was suspended.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and sends same herewith to the House:

By Senator Foshee:

S. 38. Proposing an amendment to Amendment No. 448 of the Constitution of Alabama of 1901, as amended, which provides that the paramount duty of the legislature shall be to make basic appropriations at regular sessions so as to provide that the provision shall not take effect until the 16th legislative day of each regular session and it removes the provision allowing the legislature to pass a resolution (B. I. R.) suspending the provisions of this constitutional requirement.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, S. 38, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Senator Hilliard (With Notice and Proof):

S. 5. Relating to Jefferson County, amending Act No. 1272, H. 620, 1973 Regular Session, which provides for a pension and retirement system in the City of Birmingham, so as to provide further for the investment of pension funds.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 5, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 5. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Rice:

S. 16. To further amend Section 40-12-252, Code of Alabama 1975, as amended, relating to the basis of tax for truck trailers, tractor trailers and semitrailers, so as to authorize a five-year registration option for these vehicles as now permitted for rental utility trailers, and gives the Department of Revenue the authority to develop and promulgate reasonable rules and regulations as needed to administer the provisions of this act.

Also:

By Senator Rice:

S. 19. To amend Section 35-12-32, Code of Alabama 1975, relating to the Alabama Uniform Disposition of Unclaimed Property Act, so as to require that the Revenue Department establish a list of unclaimed property owners to assist individuals or organizations engaged in the practice of seeking, for a fee, the owners of abandoned or unclaimed property reported to the State; to establish the fee which a "finder" may charge an abandoned or unclaimed property owner; to authorize a charge to offset the cost of producing the listing; and to provide for the disposition of revenue received from listing sales.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 16. Ways and Means.

S. 19. Ways and Means.

BILLS ON THIRD READING RESUMED

And the bill:

H. 34. Proposing an amendment to Section 65 of the Constitution of 1901, which prohibits any lottery, so as to legalize only a lottery or lotteries or any scheme in the nature of a lottery or lotteries operated by the state; authorizing the establishment of a program for the legalized operation of a lottery or lotteries or scheme in the nature of a lottery or lotteries; and providing for the regulation of such operations.

Was taken up.

SUBSTITUTE OFFERED

Rep. Holmes offered the following substitute to the bill, H. 34:

A BILL
TO BE ENTITLED
AN ACT

Proposing an amendment to the Constitution of Alabama to establish a state-operated and regulated lottery and prohibit private lotteries; to establish a Lottery Commission and legislative oversight committee; to permit reciprocal agreements by general statute; to establish a lottery Principal Trust Fund; to provide for the proceeds; to repeal conflicting provisions; and to set a statewide referendum.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285 and 287 of the Constitution of 1901 as amended:

PROPOSED AMENDMENT

A. The legislature shall provide for the establishment, administration, and regulation of a state-operated lottery or lotteries, or any scheme in the nature of a lottery or lotteries. The legislature shall be prohibited from authorizing any lottery or any scheme in the nature of a lottery unless it is a lottery to be operated by the State of Alabama. The state may enter into reciprocal agreements with other states for the operation and maintenance of a lottery or lotteries as provided by general statute; however, any such agreement shall not provide for a private lottery but such lottery shall be under the auspices of the state and subject to regulation by a lottery commission. A Lottery Commission shall be established to regulate any lottery or lotteries. The duties and authority of the Lottery Commission shall be provided by general statute.

B. Fifty percent of the state net revenue derived from the state lottery or lotteries shall be held in perpetual trust in a "Lottery Principal Trust Fund" to be managed and operated by the Retirement Systems of Alabama pursuant to the same authority that other funds of the Teachers' and Employees' Retirement Systems are invested. Interest from the Lottery Principal Trust Fund shall be divided equally between the state General Fund and the Alabama Special Educational Trust Fund provided; however, that any capital gains taken on the sale of any securities shall revert to the principal of the Lottery Principal Trust Fund. The remaining 50 percent of the state net revenue derived from the state lottery or lotteries shall be divided equally between the State General Fund and the Alabama Special Educational Trust Fund.

C. The legislature shall have the power to enforce and implement this amendment by appropriate legislation and shall establish a legislative oversight committee by a bill for an act or a joint resolution.

D. This amendment shall not be construed to rescind or repeal, in whole or in part, any existing or future law authorizing charitable bingo, dog racing, or horse racing. Section 65 of the Constitution of 1901 is hereby repealed.

Section 2. An election upon the proposed amendment is ordered to be held on March 7, 1989. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county for the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Section 4. The provisions of this Act shall be effective immediately upon ratification by the people and the Governor shall thereafter proclaim this amendment as required by law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 75; Nays 16.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Bowling, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Flowers, Ford, Freeman, Fuller, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Haynes, Headley, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, Mikell, Moon, Newton, Parker, Payne, Perdue, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—75

Nays:

Reps. Beers, Box, Breedlove, Frazier, Gray, Harvey, Holley, Junkins, Knight, Layson, McMillan, Newman, Petelos, Poole, Turnham and Wright.

—16

AMENDMENT OFFERED

Rep. Freeman offered the following amendment to the bill, H. 34 as amended:

To amend the substitute to H. B. 34 on page 2 by deleting lines 22 and 23 in their entirety and inserting in lieu thereof the following:

“deposited into the State General Fund; however,”

AMENDMENT TABLED

On motion of Rep. Holmes, the amendment offered by Rep. Freeman to the bill, H. 34 as amended, was tabled.

Yeas 54; Nays 34.

Yeas:

Mr. Speaker, Biddle, Black, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Crow, Davis, Dillard, Escott, Faulk, Flowers, Ford, Goodwin, Grayson, Harvey, Headley, Higginbotham, Hill, Holley, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Lindsey, Marietta, Mathis, McClain, McDowell, Melton, Moon, Newman, Newton, Parker, Perdue, Rains, Richardson, Rogers, Spratt, Starkey, Thomas, Turnham, Warren, White (F), Williams and Zoghby.

—54

Nays:

Reps. Adams, Beers, Blake, Blakeney, Box, Breedlove, Curry, Frazier, Freeman, Fuller, Gray, Hall, Hammett, Haynes, Hogan, Hooper, Knight, Laird, Layson, Marks, McKee, McMillan, Mikell, Payne, Penry, Petelos, Poole, Seibels, Slaughter, Venable, White (G), White (L), Willis and Wright.

—34

AMENDMENT OFFERED

Rep. Flowers offered the following amendment to the bill, H. 34 as amended:

To amend the substitute to H. B. 34 in the Title on line 19 by adding after the word "Lottery" the following:

"And pari-mutual Racing."

Further amend the bill on page 2, line 10 after the word "lottery" by adding the following:

"and pari-mutual racing".

Further amend the bill on page 2 line 11 by adding after the word "Lottery" the following:

"and Pari-Mutual Racing".

Further amend the bill on page 2 line 12 by adding after the word "lotteries" the following:

"or pari mutual racing."

Further amend the bill on page 2 line 13 by adding after the word "Lottery" the following: "and Pari-Mutual Racing".

AMENDMENT TABLED

On motion of Rep. Holmes, the amendment offered by Rep. Flowers to the bill, H. 34 as amended, was tabled.

Yeas 58; Nays 22.

Yeas:

Mr. Speaker, Adams, Black, Blake, Box, Breedlove, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Carothers, Carter, Clark (W), Davis, Escott, Faulk,

Ford, Fuller, Gaston, Goodwin, Grayson, Hammett, Harvey, Higginbotham, Hogan, Holmes, Johnson (RW), Kennedy, Kvalheim, Laird, Layson, Lindsey, Marietta, Mathis, McClain, McDowell, Melton, Moon, Newman, Newton, Parker, Penry, Perdue, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Venable, White (F), White (G), Williams, Willis and Zoghby.

—58

Nays:

Reps. Beers, Brooks, Butler, Cosby, Curry, Dillard, Flowers, Frazier, Gray, Headley, Hill, Holley, Junkins, Knight, Marks, McMillan, Mikell, Payne, Poole, Turnham, White (L) and Wright.

—22

AMENDMENT OFFERED

Rep. Faulk offered the following amendment to the bill, H. 34 as amended:

On page 2, delete lines 28 and 29 in their entirety and insert in lieu thereof the following:

in the following manner: 33⅓% to the special educational trust fund, 33⅓% to the general fund, 20% to the counties of the state and 13⅓% to the incorporated municipalities of the state. Fifty percent of the total proceeds distributed to the counties shall be distributed equally to the several counties of this state and the other 50% of the total proceeds distributed to the counties shall be distributed on a population basis according to the most recent federal decennial census. Said proceeds shall be paid into the county general fund. All proceeds distributed to the incorporated municipalities shall be distributed on a population basis according to the most recent federal decennial census and shall be paid into the municipal general fund.

AMENDMENT TABLED

On motion of Rep. Johnson (RW), the amendment offered by Rep. Faulk to the bill, H. 34 as amended, was tabled.

Yeas 53; Nays 35.

Yeas:

Reps. Adams, Blake, Bowling, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Clark (W), Dillard, Escott, Flowers, Ford, Freeman, Gaston, Goodwin, Grayson, Hall, Hamilton, Hammett, Headley, Higginbotham, Holley, Holmes, Johnson (RG), Johnson (RW), Kennedy, Kvalheim, Marietta, Mathis, McClain, McDowell, McKee, Melton, Newton, Parker, Perdue, Petelos, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Walker, White (G) Williams, Wright and Zoghby.

—53

Nays:

Reps. Beers, Biddle, Blakeney, Box, Breedlove, Carothers, Coburn, Cosby, Crow, Curry, Faulk, Frazier, Fuller, Grouby, Harvey, Haynes, Hill, Hogan,

Junkins, Knight, Laird, Lindsey, Marks, McMillan, Mikell, Moon, Newman, Payne, Penry, Turner, Turnham, Venable, Warren, White (L) and Willis.

—35

AMENDMENT OFFERED

Rep. Beers offered the following amendment to the bill, H. 34 as amended:

Amend House Bill 34, Section 1, Page 1, Line 28, after the word(s) "Approved by a" by adding the following: 2/3

AMENDMENT TABLED

On motion of Rep. Holmes, the amendment offered by Rep. Beers to the bill, H. 34 as amended, was tabled.

Yeas 61; Nays 23.

Yeas:

Mr. Speaker, Adams, Black, Blake, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carter, Clark (W), Coburn, Cosby, Davis, Escott, Faulk, Ford, Freeman, Fuller, Goodwin, Grayson, Grouby, Hall, Hammett, Higginbotham, Holmes, Johnson (RW), Kennedy, Laird, Layson, Lindsey, Marietta, Mathis, McClain, McDowell, McKee, Melton, Newman, Newton, Parker, Penry, Perdue, Rains, Richardson, Rogers, Seibels, Spratt, Starkey, Thomas, Turner, Venable, Walker, White (F), White (L), Williams and Zoghby.

—61

Nays:

Reps. Beers, Crow, Curry, Flowers, Frazier, Gaston, Gray, Hamilton, Hill, Hogan, Holley, Junkins, Knight, Kvalheim, McMillan, Mikell, Moon, Payne, Petelos, Slaughter, Turnham, White (G) and Wright.

—23

AMENDMENT OFFERED

Rep. Hooper offered the following amendment to the bill, H. 34 as amended:

To amend the substitute to H. B. 34 on page 2 by deleting lines 22 and 23 in their entirety and inserting in lieu thereof the following:

"directed 65% to the credit of the State General Fund and 35% to the credit of the Alabama Special Educational Trust Fund, however,"

AMENDMENT TABLED

On motion of Rep. Holmes, the amendment offered by Rep. Hooper to the bill, H. 34 as amended, was tabled.

Yeas 53; Nays 23.

Yeas:

Mr. Speaker, Adams, Black, Blake, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Coburn, Davis, Dillard,

Escott, Faulk, Ford, Fuller, Gaston, Goodwin, Grayson, Hall, Harvey, Headley, Hill, Holley, Holmes, Johnson (RW), Kennedy, Knight, Laird, Marietta, Mathis, McClain, McDowell, Melton, Newman, Newton, Parker, Penry, Perdue, Rains, Richardson, Seibels, Spratt, Starkey, Turner, Turnham, Williams, and Zoghby.

—53

Nays:

Reps. Beers, Box, Breedlove, Cosby, Frazier, Freeman, Gray, Hamilton, Harper, Higginbotham, Hooper, Junkins, Kvalheim, Lindsey, McKee, McMillan, Mikell, Moon, Payne, Petelos, White (F), White (G) and Wright.

—23

And the bill:

H. 34. Proposing an amendment to the Constitution of Alabama to establish a state-operated and regulated lottery and prohibit private lotteries; to establish a Lottery Commission and legislative oversight committee; to permit reciprocal agreements by general statute; to establish a Lottery Principal Trust Fund; to provide for the proceeds; to repeal conflicting provisions; and to set a statewide referendum.

Was read a third time at length and lost, lacking a three-fifths vote of all those elected to the House.

Yeas 58; Nays 37.

Yeas:

Reps. Adams, Black, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JE), Buskey (JL), Carothers, Clark (W), Coburn, Crow, Davis, Escott, Ford, Freeman, Fuller, Gaston, Goodwin, Grayson, Hall, Hammett, Harper, Higginbotham, Hogan, Holmes, Hooper, Johnson (RW), Kennedy, Kvalheim, Marietta, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Newman, Newton, Penry, Perdue, Rains, Richardson, Rogers, Seibels, Spratt, Starkey, Thomas, Turner, Venable, White (F), White (G), White (L), Williams, Willis and Zoghby.

—58

Nays:

Mr. Speaker, Beers, Biddle, Blake, Blakeney, Burke, Butler, Carter, Cosby, Curry, Dillard, Faulk, Flowers, Frazier, Gray, Grouby, Hamilton, Harvey, Headley, Hill, Holley, Johnson (RG), Junkins, Knight, Laird, Lindsey, Marks, Moon, Parker, Payne, Petelos, Poole, Slaughter, Turnham, Walker, Warren and Wright.

—37

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (RW):

H. R. 21. AMENDING THE RULES OF THE HOUSE.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the rules of the House are hereby amended to read as follows:

On page 17, Rules 6(1) by deleting the following language: ~~Provided further, that the House shall not consider a House bill which is amended in the~~

~~Senate unless said bill is received from the Senate before the House adjourns on the 20th legislative day.~~

Further amend by deleting Rule 6(2) in its entirety and renumbering the subsequent subsections accordingly. Further amend by deleting Rule 25 in its entirety and renumbering the remaining rules accordingly.

On motion of Rep. Johnson (RW), the rules were suspended and the resolution, H. R. 21, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 8. (With Substitute) (With Amendment): Relating to taxation and operation of pari mutuel racing and race tracks; to provide for the addition of additional privilege, entrance and license taxes upon pari mutuel racing, race track licensees, and patrons thereof; to amend section 40-11-5 of the Code of Alabama 1975, relating to taxation of pari mutuel racing and activities related thereto, so as to provide that all pari mutuel race tracks shall pay state income taxes, municipal and county occupational taxes, state and local taxes on merchandise, food or beverage sold, all taxes and license fees imposed or related to the sale of alcoholic beverages; to eliminate the limitation on exemptions heretofore granted by local acts; to allow pari mutuel tracks to operate on all days with the exception of Sunday; to provide that licensees may issue tax-free complimentary passes or cards to any guests for promotional purposes.

Was taken up.

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Walker offered the following substitute to the substitute reported by the Standing Committee on Ways and Means:

A BILL TO BE ENTITLED AN ACT

To levy a privilege tax, on the pari-mutuel pool at any dog race track in the State of Alabama; to provide for the total take out by a licensee on pari-mutuel pools; to provide for the assessment and collection of such tax; to confer powers and impose duties on the Department of Revenue; to prescribe penalties for non-compliance; to provide for the distribution of the proceeds of such tax; and to provide for the requirements and procedures for the withholding of income tax due the State of Alabama on certain winnings from gambling and wagering and the requirements and procedures for the remittance of such withholding to the Department of Revenue.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the purpose of this Act, the following terms shall have the respective meanings ascribed to them by this section except where the context clearly indicates a different meaning:

(1) COMMISSIONER. The Commissioner of the Department of Revenue of the State of Alabama.

(2) DEPARTMENT. The Alabama Department of Revenue.

(3) **PARI-MUTUEL.** A system of betting on races whereby the winners divide the total amount bet, after deducting authorized taxes, fees and management expenses, in proportion to the sums wagered individually.

(4) **PARI-MUTUEL POOL.** The total amount wagered under the pari-mutuel betting system in any particular race.

(5) **PERSON.** Individuals, firms, partnerships, companies, corporations, associations, trustees, receivers, the State of Alabama and any of its agencies, authorities, boards, bureaus, commissions, departments and instrumentalities, each incorporated municipality and any agencies, authorities, boards, bureaus, commissions and departments of such municipalities, and the several counties of the State of Alabama and any agencies, authorities, boards, bureaus, commissions and departments of such counties, and any other political subdivisions of the State of Alabama by whatever name or description.

(6) **STATE.** The State of Alabama.

(7) **WINNINGS SUBJECT TO WITHHOLDING.** Proceeds from a wagering transaction in those amounts and sources as defined in 26 USC 3402, as amended from time to time.

(8) **PROCEEDS FROM A WAGER.** Those proceeds as described in 26 USC 3402, as amended from time to time.

(9) **WAGERING TRANSACTION.** A wagering transaction as described in 26 USC 3402, as amended from time to time.

Section 2. (a) In addition to any and all other taxes imposed by law, there is hereby levied, upon every person engaged in the business of operating a dog race track in the State of Alabama, a privilege tax of one percent of the pari-mutuel pool on all pari-mutuel races.

(b) In addition to the tax levied by Section 2(a) of this Act and in addition to any and all other taxes imposed by law, there is hereby levied, upon every person engaged in the business of operating a dog race track in the State of Alabama, a privilege tax of one percent (1%) of the pari-mutuel pool on all pari-mutuel races requiring the selection of three or more racers.

(c) Notwithstanding the provisions of any local or general act to the contrary, any dog race track licensee authorized to conduct pari-mutuel racing shall be entitled to retain as a commission from the pari-mutuel pool (the "take out") an amount equal to 19% of all pari-mutuel pools where a bettor is required to select two or less racers and an amount equal to 21% where a bettor is required to select three or more racers. The tax levied in Section 2 above is not imposed to extent that it would require a licensee to increase the commissions above said amounts in order to receive such tax from the pari-mutuel pool.

(d) No taxes, except those presently in effect, shall be imposed upon pari-mutuel wagering at dog tracks except by general act.

Section 3. On or before the twentieth day of each month, every person on whom the taxes levied by this Act are imposed shall render to the department of revenue, on a form prescribed by the department, a true and correct statement showing the pari-mutuel pool gross receipts of his race track operation for the next preceding month, together with such other information as the department may demand and require. At the time of making such monthly report such person shall compute and pay the amount of taxes shown to be due.

Section 4. All persons subject to the provisions of this Act shall keep for not less than three years, such books, documents, records or other papers as will clearly show the amount of tax due and such books, documents, records or other papers shall be open for examination at any time by the department of revenue or its duly authorized agents.

Section 5. Any person subject to this Act who shall fail to make any report required of him by the department of revenue or shall fail to keep any of the records required herein shall be guilty of a class B misdemeanor. Each month of such failure shall constitute a separate offense.

Section 6. Any person who fails to pay the tax herein levied within the time required shall pay, in addition to the tax, a penalty of twenty-five percent of the amount of tax due, together with interest thereon at the rate established by the secretary of the treasury under the authority of 26 USCA §6621, per month, or fraction thereof, from the date at which the tax herein levied became due and payable, such penalty and interest to be assessed and collected as part of the tax. The department of revenue, if a good and sufficient reason is shown, may waive or remit the penalty of twenty-five percent, or a portion thereof.

Section 7. If any taxpayer fails to make the returns herein required, the department shall make a return for such delinquent taxpayer upon such information as it may reasonably obtain, and shall assess the taxes due thereon, and shall add a penalty for failure to make such return of twenty-five percent of the tax due, as assessed by the department, and interest at the rate established by the secretary of the treasury under the authority of 26 USCA §6621, per month, or fraction thereof, from the date such taxes were due. The department, if a good and sufficient reason is shown for such delinquency, may waive or remit the twenty-five percent penalty, or a portion thereof.

Section 8. Whenever the department, in examining and auditing the records of any taxpayer, or from other information, shall ascertain that the amount, or amounts, previously paid by any taxpayer for any period, or periods, is incorrect, the department shall compute the correct amount of tax due, and if it appears that the amount paid by the taxpayer is in excess of the correct amount due, such excess shall be refunded to the taxpayer in accordance with law and under the rules and regulations of the department. If it appears that the amount paid by such taxpayer is less than the amount due, the department shall compute the amount of such deficiency and interest, as provided for in Section 8, and shall notify the taxpayer, and shall demand payment therefor. If the amount demanded is not paid within ten days from the date of such demand, or if the taxpayer does not request an extension of time within ten days from the date of such demand, the department shall make an assessment against the taxpayer of the amount due and shall add a penalty of one percent per month from the date such taxes or any part thereof became due. The department may, if a good and sufficient reason is shown, waive or remit the penalty, or a portion thereof. If within ten days from the date of notice of a deficiency the taxpayer requests in writing an extension of time, the department may grant an extension of thirty days. If at the end of such extended period, the deficiency has not been paid, the department shall proceed with the assessment. If the department is of the opinion that there was a willful or fraudulent intent by the taxpayer to evade the tax due, it may assess a penalty of twenty-five percent of the tax, which penalty shall be reviewable upon appeal.

Section 9. Whenever the department shall make an assessment against a taxpayer as herein provided, the department shall notify the taxpayer by registered or certified mail of the amount of such assessment, and shall notify the taxpayer that he may appear before the department on a day named not less than twenty days from date of such notice and show cause why such assessment should not be made final. Such appearance may be made by agent or attorney. If no showing is made on or before the date fixed in such notice, or if such showing is not sufficient in the judgment of the department, such assessment shall be made final in the amount originally fixed or in such other amount as is determined by the department to be correct. If upon such hearing the department finds the amount due to be different from that originally assessed, it shall make the assessment final in the correct amount and in all cases shall notify the taxpayer of the assessment as finally fixed. A notice by the United States mail addressed to the taxpayer's last known place of business shall be sufficient. Any assessment made by the department shall be prima facie correct upon appeal.

Section 10. (a) Whenever any taxpayer, who has duly appeared and protested an assessment by the department, is dissatisfied with the assessment as finally made, such taxpayer may appeal in all respects in the same manner provided by Section 40-2-22, Code of Alabama 1975, as amended. No appeal shall lie in cases where the taxpayer has failed to appear and protest.

(b) Any notice, provided for by this Act, of an amount due under this Act shall be given or any action in court for the collection of such amount shall be begun within four years of the due date of such amount. However, in the case of a false or fraudulent return with intent to evade payment of taxes imposed by this Act or a failure to file a return, the tax may be assessed or a proceeding in court for the collection of such tax may be begun at any time. The department of revenue and the taxpayer, before the expiration of the time prescribed herein, may agree in writing to an extension of the time during which such proceedings may be begun. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. The department of revenue shall also be authorized in such agreement to extend equally the period within which the taxpayer may file a claim for refund of such taxes where such agreement is entered into before a claim for refund is barred because of the lapse of time.

Section 11. The taxes imposed by this Act shall be in addition to all other licenses and taxes levied by law as a condition precedent to engaging in any business taxable hereunder.

Section 12. (a) If any final assessment of taxes herein levied be not paid within thirty days after such assessment becomes final and if no appeal has been taken, in cases where an appeal is authorized, the department shall issue an execution therefor directed to any sheriff of the state of Alabama commanding said sheriff to levy upon and sell the real and personal property of the person against whom such execution is directed, found in the county of said sheriff, together with all penalties assessed.

(b) The sheriff thereupon shall levy upon any property of the taxpayer with like effect and in the manner prescribed by law in respect to execution issued upon judgments of the circuit court or court of like jurisdiction, and the remedies of attachment and garnishment shall apply fully to such execution, and the officer shall be entitled to the same fees for his services as now allowed by law for like services to be collected in the same manner as now provided by law for like services. The sheriff shall make due return of

such execution within sixty days of the issuance thereof to the department and upon such return alias or pluries executions may be issued by the department which shall be executed in the same manner. Such lien shall not be valid against any mortgagee purchaser, or judgment creditor until notice has been filed in the office of the judge of probate as provided for under Section 40-1-2, Code of Alabama 1975, as amended.

Section 13. The tax herein levied shall constitute a debt due the state of Alabama and may be collected by civil suit, in addition to the methods herein provided, brought at any time within four years after the tax has become due and payable.

Section 14. Any taxpayer who shall violate any of the provisions of this Act may be restrained from continuing in business, and the proper prosecution shall be instituted in the name of the state of Alabama by its attorney general, by the counsel of the department or, under their direction, by any circuit solicitor of the state until such person shall have complied with the provisions of this Act.

Section 15. If it is brought to the attention of the department that any taxpayer subject to this article is guilty of violating any of the provisions of this article, the department is hereby authorized and required, through lawfully authorized counsel, to proceed in the courts of the state to obtain a writ of injunction, which writ shall be granted by the court when applied for in the manner prescribed by law. The department, however, is hereby relieved of the requirement to furnish bond of any character.

Section 16. The department of revenue is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe, adopt, promulgate and enforce, rules and regulations, relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act, and the collection of taxes, penalties and interest imposed by this Act.

Section 17. (a) Such amount of money as shall be appropriated for each fiscal year by the legislature to the department of revenue with which to pay the salaries, and the cost of operation and management of said department, pertaining to the administration and enforcement of the provisions of this Act, shall be deducted, as a first charge thereon, from the taxes collected under the provisions of this Act; provided, however, that the expenditure of said sum so appropriated shall be budgeted and allotted pursuant to Section 41-4-80 through 41-4-96 of the Code of Alabama 1975, and limited to the amount appropriated to defray the expenses of operating said department for each fiscal year.

(b) After payment of the aforesaid expenses, the balance of the taxes collected under the provisions of this Act shall be deposited in the State Treasury to the credit of the State General Fund.

Section 18. (a) Each person making any payment of proceeds from a wager which constitutes "winnings subject to withholding" as defined by section 1 of this act, shall deduct and withhold income tax in the amount of five percent (5%) of the payment.

(b) Each person making withholding of state income taxes as required by this act shall remit the same to the state revenue department in the same manner and at the same time as that provided for payments of other withheld income taxes as set out in Article 2, Chapter 18, Title 40, Code of Alabama 1975, and shall be subject to the same penalties as provided

therein. Each person required to make withholding of state income taxes, who shall fail to do so, shall be personally liable for all amounts required to be withheld as provided in sections 40-18-74, 40-18-76, 40-29-73 and 40-29-111, Code of Alabama 1975.

(c) Any person receiving proceeds from a wager which constitutes winnings subject to withholding shall furnish the payer a statement, made under the penalties of perjury, which contains such information as shall be designated by the State revenue department as necessary to identify the recipient for tax compliance purposes.

(d) The payer shall furnish to the recipient a statement of the amount of winnings subject to withholding and the amount of tax withheld in accordance with procedures which shall be established by the state revenue department. Furthermore, the payer shall report to the department of revenue the payment of all such proceeds from wagers in those amounts as the same are required to be reported pursuant to 26 USC 6041, as amended from time to time.

(e) Each person for whom income tax was withheld pursuant to this act shall be entitled to a credit therefor against any income tax liability due this state as imposed by Chapter 18, Title 40, Code of Alabama 1975.

Section 19. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 21. This Act shall become effective 30 days after its passage and approval by the Governor, or upon it otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Rep. Walker to the substitute reported by the Standing Committee on Ways and Means, was adopted.

Yeas 87; Nays 11.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blake, Blakeney, Bowling, Breedlove, Brooks, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Carter, Coburn, Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Goodwin, Gray, Grayson, Grouby, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Knight, Laird, Layson, Lindsey, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Wright.

Nays:

Reps. Black, Box, Buskey (JE), Buskey (JL), Clark (W), Gaston, Harper, Kennedy, Kvalheim, Marietta and Zoghby.

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And the bill:

H. 8. To levy a privilege tax, on the pari-mutuel pool at any dog race track in the State of Alabama; to provide for the total take out by a licensee on pari-mutuel pools; to provide for the assessment and collection of such tax; to confer powers and impose duties on the Department of Revenue; to prescribe penalties for non-compliance; to provide for the distribution of the proceeds of such tax; and to provide for the requirements and procedures for the withholding of income tax due the State of Alabama on certain winnings from gambling and wagering and the requirements and procedures for the remittance of such withholding to the Department of Revenue.

As thus amended, was read a third time at length and passed, and ordered engrossed.

Yeas 87; Nays 12.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Breedlove, Brooks, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Carter, Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Goodwin, Gray, Grayson, Grouby, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Knight, Laird, Layson, Lindsey, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Wright.

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Nays:

Reps. Black, Box, Buskey (JE), Buskey (JL), Clark (W), Gaston, Harper, Kennedy, Kvalheim, Marietta, Turner and Zoghby.

—12

And the bill:

H. 15. To amend Section 40-26-20 of the Code of Alabama, 1975 relating to the disposition of proceeds from the transient occupancy tax.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

To amend House bill 15 on page 2, line 14 by adding after the word "Bill" the following:

And the amendment was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holmes, Hooper, Johnson (RG), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—90

And the bill, H. 15 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 1.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

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Nay: Rep. Black.

—1

And the bill:

H. 14. (With Amendment): To amend Section 40-12-227 of the Code of Alabama, 1975 relating to the disposition of tax proceeds on the leasing or renting of tangible personal property.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

To amend House Bill 14 on page 1, line 29 by adding after the word "Bill" the following:

45

And the amendment was adopted.

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Yeas 94; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Coburn, Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

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AMENDMENT OFFERED

Rep. Harper offered the following amendment to the bill, H. 14 as amended:

Amend House Bill 14 as amended on page 1, lines 24 and 25 by deleting those lines in their entirety and inserting in lieu thereof the following new language:

“enforcement of this article shall be distributed as follows: a.) 60% to the State General Fund; and

b.) 40% to the Alabama Special Educational Trust Fund.”

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JL), Campbell, Carothers, Carter, Coburn, Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—93

And the bill, H. 14 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Buskey (JL), Campbell, Carothers, Carter, Clark (W),

Coburn, Cosby, Crow, Davis, Dillard, Escott, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Petelos, Richardson, Rogers, Seibels, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White G, White (L), Williams, Willis and Zoghby.

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H. 12 INDEFINITELY POSTPONED

On motion of Rep. Harper, the bill, H. 12, was indefinitely postponed.

And the bill:

H. 9. (With Substitute) (With Amendment): To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1989.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1989.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. The monies in Section 2 are appropriated from the named funds for the 1988-89 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the totals for all programs are shown by the source of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

- (a) "Appropriation Total" shall mean the aggregate total of all fund sources.
- (b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries.
- (c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.

SECTION 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State and for the principal and interest on the public debt for the fiscal year ending September 30, 1989, and for other functions of government to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Sections 41-19-1 through 12, Code of Alabama 1975. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

	Fund Sources Included In Appropriation Total		
	General Fund	Trust Funds	Appropriation Total
2A. LEGISLATIVE:			
1. EXAMINERS OF PUBLIC AC- COUNTS, DEPARTMENT OF:			
(a) Legislative Support-Audit Services Program			8,425,687
SOURCE OF FUNDS:			
(1) State General Fund	8,225,687		
(2) Federal Funds		200,000	
Total Department of Examiners of Public Accounts	8,225,687	200,000	8,425,687
2. LEGISLATIVE COUNCIL:			
(a) Legislative Operations and Sup- port Program			212,200
SOURCE OF FUNDS:			
(1) State General Fund	212,200		
Pursuant to Section 29-6-1 et seq., <u>Code of Alabama 1975</u> .			
Total Legislative Council	212,200		212,200
3. LEGISLATIVE FISCAL OFFICE:			
(a) Legislative Operations and Sup- port Program (to include program review and evaluation)			948,809
SOURCE OF FUNDS:			
(1) State General Fund	948,809		

Total Legislative Fiscal Office	948,809	948,809
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4. LEGISLATIVE REFERENCE SERVICE:

(a) Legislative Operations and Support Program		1,094,243
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SOURCE OF FUNDS:

(1) State General Fund	1,094,243	
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Total Legislative Reference Service ...	1,094,243	1,094,243
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5. LEGISLATURE:

(a) Legislative Operations and Support Program		8,898,709
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It is the intent of the Legislature that (1) the above appropriation shall include funds for the necessary technical expenses associated with reapportionment (2) that at least \$50,000 shall be allocated for the Senate Finance and Taxation Committee, the Office of the Senate Pro Tempore and the Senate Rules Committee and (3) that at least \$50,000 shall be allocated for the Ways and Means Committee, the House Rules Committee, and the Speaker of the House Office. The appropriation to the Legislature shall be expended under the provisions set forth in Section 29-1-22, Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund	8,798,709	
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(2) Public Service Commission Operating Fund-Transfer		100,000
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The above transfer from the Public Service Commission Operating Fund is hereby authorized pursuant to Section 29-1-22, Code of Alabama 1975.

Total Legislature	8,798,709	100,000	8,898,709
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6. LEGISLATURES, NATIONAL CONFERENCE OF STATE:

(a) Legislative Operations and Support Program		72,667
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SOURCE OF FUNDS:

(1) State General Fund	72,667	
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Total National Conference of State Legislatures	72,667	72,667
2B. JUDICIAL:		
1. COURT OF CIVIL APPEALS:		
(a) Court Operations Program		1,156,279
SOURCE OF FUNDS:		
(1) State General Fund	1,156,279	
Total Court of Civil Appeals	1,156,279	1,156,279
2. COURT OF CRIMINAL APPEALS:		
(a) Court Operations Program		1,729,106
SOURCE OF FUNDS:		
(1) State General Fund	1,729,106	
Total Court of Criminal Appeals	1,729,106	1,729,106
3. JUDICIAL INQUIRY COMMISSION:		
(a) Administrative Services Program		103,990
SOURCE OF FUNDS:		
(1) State General Fund	103,990	
Total Judicial Inquiry Commission	103,990	103,990
4. JUDICIAL RETIREMENT FUND:		
(a) Retirement Systems Program		1,524,500
SOURCE OF FUNDS:		
(1) State General Fund	1,524,500	
Total Judicial Retirement Fund	1,524,500	1,524,500
5. SUPREME COURT:		
(a) Court Operations Program		4,455,494
SOURCE OF FUNDS:		
(1) State General Fund	4,455,494	
Total Supreme Court	4,455,494	4,455,494
6. UNIFIED JUDICIAL SYSTEM:		
(Administrative Office of Courts)		
(a) Court Operations Program		57,675,108
(b) Administrative Services Program		3,550,000
(c) DUI Referral Program		101,000
(d) Fringe Benefit Program, Estimated		300,000
SOURCE OF FUNDS:		
(1) State General Fund	61,148,108	

(2) State General Fund-Social Security-County Judicial, Estimated	300,000		
(3) Clerks and Registers Supernumerary Fund		178,000	
Total Unified Judicial System	61,448,108	178,000	61,626,108

2C. EXECUTIVE:

1. ACADEMY OF HONOR, ALABAMA:

(a) Historical Resources Management Program			1,784
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SOURCE OF FUNDS:

(1) State General Fund	1,784		
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As provided in Section 41-11-6, Code of Alabama 1975, and an additional amount.

Total Alabama Academy of Honor	1,784		1,784
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2. ACCOUNTANCY, ALABAMA STATE BOARD OF PUBLIC:

(a) Professional and Occupational Licensing and Regulation Program			341,699
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SOURCE OF FUNDS:

(1) Alabama State Board of Public Accountancy Fund		341,699	
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As provided in Section 34-1-22, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.

Total Alabama State Board of Public Accountancy		341,699	341,699
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3. ADJUSTMENT, BOARD OF:

(a) Special Services Program			222,400
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SOURCE OF FUNDS:

(1) State General Fund	11,200		
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For the State General Fund Contribution to the total expenditure of \$750,000 pursuant to Section 41-9-73, Code of Alabama 1975.

(2) State General Fund, Estimated	200,000		
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For expenditures as provided in Section 31-3-2 and Section 36-30-2, Code of Alabama 1975.

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(3) State General Fund-Administrative Costs	11,200	
Total Board of Adjustment	222,400	222,400

4. AERONAUTICS, DEPARTMENT OF:

(a) Airport Development and Aeronautical Support Program		867,986
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SOURCE OF FUNDS:

(1) Airport Development Fund	867,986	
As provided by Section 4-2-42, <u>Code of Alabama 1975.</u>		
Total Department of Aeronautics	867,986	867,986

5. AGING, COMMISSION ON:

(a) Planning and Advocacy for the Elderly Program		16,811,890
(b) Medicaid Waiver Services Program		6,346,725

SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,445,701	
(2) State General Fund-Transfer Medicaid Waiver	1,770,580	
(3) Federal, Local and Miscellaneous Funds		19,942,334
Total Commission on Aging	3,216,281	19,942,334
		23,158,615

The Commission on Aging shall contract with the existing Regional Planning Commissions or Councils of Local Governments and/or Area Agencies on Aging to provide services for one-third of the State's present and future client slots for the program known as the "Medicaid Waiver Services Program-Home and Community-Based Waiver for the Elderly and Disabled" The Commission on Aging shall not withdraw Area Agency on Aging designations or alter the funding relationships with existing Area Agencies on Aging and Regional Planning Development Commissions.

6. AGRICULTURAL AND CONSERVATION DEVELOPMENT COMMISSION:

(a) Water Resource Development Program		2,219,926
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,149,926	
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(2) Miscellaneous Funds		70,000	
As provided in Section 9-8A-4.1, <u>Code of Alabama 1975</u> .			
Total Agricultural and Conservation Development Commission	2,149,926	70,000	2,219,926
7. AGRICULTURAL CENTER BOARD:			
(a) Agricultural Development Services Program			874,749
SOURCE OF FUNDS:			
(1) State General Fund	169,354		
For expense and awarding of prizes for fairs as provided in Section 2-7-21, <u>Code of Alabama, 1975</u> , and other livestock shows and expositions.			
(2) State General Fund-Transfer-Operations	122,603		
(3) State General Fund-Transfer-Livestock Coliseum	282,982		
(4) Livestock Coliseum Fund		299,810	
Total Agricultural Center Board	574,939	299,810	874,749
8. AGRICULTURE AND INDUSTRIES, DEPARTMENT OF:			
(a) Administrative Services Program			2,471,546
(b) Agricultural Inspection Services Program			10,050,697
(c) Laboratory Analysis and Disease Control Program			4,017,534
(d) Agricultural Development Services Program			1,966,507
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	7,694,380		
(2) Federal, Local and Miscellaneous Funds		2,295,904	
(3) Shipping Point Inspection Fund ..		4,228,805	
Pursuant to Sections 2-9-20 et seq., <u>Code of Alabama 1975</u> . All fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection grading and classification services for agricultural products including services			

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furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities.

(4) Agricultural Fund	4,287,195		
Total Department of Agriculture and Industries	7,694,380	10,811,904	18,506,284

8A. AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION, ALABAMA:

(a) Agricultural Development Services Program			50,000
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SOURCE OF FUNDS:

(1) State General Fund	50,000		
Total Agricultural and Industrial Exhibit Commission	50,000		50,000

9. ALABAMA TRUST FUND BOARD:

(a) Administrative Program			35,886
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	35,886		
Total Alabama Trust Fund Board	35,886		35,886

10. ALCOHOLIC BEVERAGE CONTROL BOARD, ALABAMA:

(a) Alcoholic Beverage Management Program			22,029,145
(b) Enforcement Program			5,886,000

The level and type of services to be provided by the Alcoholic Beverage Control Board for the Enforcement Program in fiscal year 1988-89 shall not be reduced below the level of services provided in this program in fiscal year 1987-88.

(c) Administrative Services Program			4,044,840
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Any other provision of law to the contrary notwithstanding, the appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the Department of Mental Health and Mental Retardation of \$1,000,000 and a transfer to the Department of Public Health of \$4,000,000. The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer of \$200,000 to the State General Fund. The above transfers shall be

made from the operating funds of the Alcoholic Beverage Control Board and shall not affect any distribution of revenue generated from the sale of alcoholic beverages.

SOURCE OF FUNDS:

(1) ABC Board Fund 31,959,985

The Alabama Alcoholic Beverage Control Board is hereby prohibited from opening any new, additional or re-located retail stores during fiscal year 1988-89 in any county that legally sells alcoholic beverages as of October 1, 1988, except in counties or municipalities that elect to go wet during said fiscal year. The sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized, such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale

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in such county or municipality of
such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board	31,959,985	31,959,985
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11. ARCHITECTS, BOARD FOR
REGISTRATION OF:

(a) Professional and Occupational Licensing and Regulation Program		215,000
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SOURCE OF FUNDS:

(1) Fund of the Board for Registration of Architects	215,000	
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As provided in Section 34-2-41, Code of Alabama 1975.

Total Board for Registration of Architects	215,000	215,000
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12. ARCHIVES AND HISTORY,
DEPARTMENT OF:

(a) Historical Resources Management Program		2,677,157
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SOURCE OF FUNDS:

(1) State General Fund	2,556,787	
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(2) Federal Funds	120,370	
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Total Department of Archives and History	2,556,787	120,370	2,677,157
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13. ATTORNEY GENERAL, OF-
FICE OF THE:

(a) Legal Advice and Legal Services Program		6,423,466
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(b) Fair Marketing Practices Program		569,687
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	5,795,232	
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(2) State General Fund-Transfer-Consumer Protection	513,698	
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(3) Federal, Local and Miscellaneous Funds	684,223	
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Total Office of the Attorney General ..	6,308,930	684,223	6,993,153
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In addition to the above appropriation to the Office of the Attorney General, there is hereby appropriated the amount of \$611,000 to be conditional upon it being used solely to continue operation of a Drug Enforcement Division. Said funds will also be available for use as a state

match for Federal Drug Grants and other Federal Grants; any unused funds will remain part of the overall General Fund and will not be allotted to the Office of the Attorney General.

14. AUDITOR, STATE:

(a) Fiscal Management Program	811,565
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SOURCE OF FUNDS:

(1) State General Fund	811,565	
Total State Auditor	811,565	811,565

15. BANKING DEPARTMENT, STATE:

(a) Charter, License and Regulate Financial Institutions Program	2,828,141
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SOURCE OF FUNDS:

(1) Banking Assessment Fees	2,522,441	
As provided in Section 5-2A-20, <u>Code of Alabama 1975</u> .		
(2) Loan Examination Fund	305,700	
As provided in Section 5-2A-24, Section 5-16-38.1, and Section 5-18-5, <u>Code of Alabama 1975</u> .		
Total State Banking Department	2,828,141	2,828,141

16. BAR ASSOCIATION, ALABAMA STATE:

(a) Professional and Occupational Licensing and Regulation Program	1,321,875
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SOURCE OF FUNDS:

(1) State Bar Association Fund	1,186,220	
As provided in Section 34-3-4 and Section 34-3-44, <u>Code of Alabama 1975</u> .		
(2) Local Funds, Estimated	135,655	
As provided in Sections 34-3-44, 34-3-17 and 34-3-18, <u>Code of Alabama 1975</u> .		
Total Alabama State Bar Association	1,321,875	1,321,875

17. BEAR CREEK DEVELOPMENT AUTHORITY:

(a) Water Resource Development Program	54,535
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SOURCE OF FUNDS:

(1) State General Fund	54,535
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Total Bear Creek Development Authority	54,535		54,535
18. BUILDING COMMISSION, STATE:			
(a) Special Services Program			1,193,405
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	792,595		
(2) Federal, Local and Miscellaneous Funds		400,810	
Total State Building Commission	792,595	400,810	1,193,405
19. CAHAWBA ADVISORY COMMITTEE:			
(a) Historical Resources Management Program			9,550
SOURCE OF FUNDS:			
(1) State General Fund	9,550		
Total Cahawba Advisory Committee ..	9,550		9,550
20. CHILD ABUSE AND NEGLECT PREVENTION BOARD:			
(a) Social Services Program			451,909
In accordance with Sections 26-16-1 et seq., <u>Code of Alabama 1975.</u>			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	275,000		
(2) Children's Trust Fund, Estimated		176,909	
Total Child Abuse and Neglect Prevention Board	275,000	176,909	451,909
21. CHIROPRACTIC EXAMINERS, ALABAMA STATE BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			75,750
SOURCE OF FUNDS:			
(1) Alabama State Board of Chiropractic Examiner's Fund		75,750	
As provided in Section 34-24-143, <u>Code of Alabama 1975.</u>			
Total Alabama State Board of Chiropractic Examiners		75,750	75,750
22. CONSERVATION AND NATURAL RESOURCES, DEPARTMENT OF:			
(a) State Land Management Program			610,000
(b) Outdoor Recreation Sites and Services Program			23,386,000

(c) Marine Police Program	3,309,946
(d) Wildlife Game and Fish Program	12,695,500
(e) Marine Resources Program	2,212,000
Of the above appropriation, \$50,000 shall be used for the oyster planting program.	
(f) Land and Water Conservation Program	1,200,000
(g) Administrative Services Program	2,648,399

The appropriation to the Department of Conservation and Natural Resources shall include Alabama's pro rata share of the Gulf States Marine Fisheries Commission operation expenses. The appropriation to the Department of Conservation and Natural Resources includes funds for the maintenance, staff and repair of the Governor's official beach mansion.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	536,000	
(2) Game and Fish Fund		12,835,500
(3) State Lands Fund		610,000

The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.

(4) Marine Resources Fund	2,022,000
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In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division programs or projects which he deems appropriate.

(5) Marine Police Fund	3,309,946
(6) State Parks Fund	300,000
(7) Parks Revolving Fund	21,800,000

(8) Administrative Funds	2,648,399		
The funds hereinabove appropriated shall be payable as provided in Section 9-2-1 et seq., <u>Code of Alabama 1975</u> .			
(9) Cigarette Tax	800,000		
(10) Federal Land and Water Fund ...	1,200,000		
Total Department of Conservation and Natural Resources	536,000	42,525,845	46,061,845

23. CONTRACTORS, STATE LICENSING BOARD FOR GENERAL:

(a) Professional and Occupational Licensing and Regulation Program	401,122
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SOURCE OF FUNDS:

(1) State Licensing Board for General Contractors Fund	401,122
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Pursuant to Section 34-8-25, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

Total State Licensing Board for General Contractors	401,122	401,122
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24. CORRECTIONS, DEPARTMENT OF:

(a) Administrative Services and Logistical Support Program	9,243,083
(b) Institutional Services Corrections Program	99,987,991
(c) Correctional Agricultural and Industries Program	19,949,300

The Department of Corrections shall not utilize any portion of its State General Fund appropriation to support the Correctional Industries Program, for either the agribusiness element or the industries element.

(d) Transfer to State General Fund from the Correctional Industries Revolving Fund	1,500,000
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Notwithstanding any other law to the contrary and specifically including

Section 5 of Act No. 87-715, it is further the intent of the Legislature that in accordance with Section 14-7-20 of the Code of Alabama, 1975, that this transfer be made.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	106,431,074	
(2) Department of Corrections Fund		24,249,300

The above amount shall include \$1,500,000 to be transferred from the Correctional Industries Revolving Fund to the State General Fund.

The Commissioner of the Department of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Department of Corrections. Any such grant funds so generated and in direct support of the Department of Corrections' operations are also hereby appropriated.

Total Department of Corrections	106,431,074	24,249,300	130,680,374
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In addition to the above appropriation to the Department of Corrections, there is hereby conditionally appropriated from the State General Fund \$1,100,000 for expanded facilities at Bullock County and \$6,200,000 for prisons at Clayton and Clio, to be conditioned upon the availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

25. COSMETOLOGY, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	667,590
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SOURCE OF FUNDS:

(1) Alabama Board of Cosmetology Fund	667,590
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As provided in Section 34-7-42, Code of Alabama 1975.

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Total Alabama Board of Cosmetology	667,590	667,590
26. COUNSELING, ALABAMA BOARD OF EXAMINERS IN:		
(a) Professional and Occupational Licensing and Regulation Program		58,700
SOURCE OF FUNDS:		
(1) Alabama Board of Examiners in Counseling Fund	58,700	
As provided in Section 34-8A-6, <u>Code of Alabama 1975</u> .		
Total Alabama Board of Examiners in Counseling	58,700	58,700
27. CREDIT UNION ADMINISTRATION, ALABAMA:		
(a) Charter, License and Regulate Financial Institutions Program		400,700
SOURCE OF FUNDS:		
(1) Alabama Credit Union Administration Fund	400,700	
As provided in Section 5-17-7, <u>Code of Alabama 1975</u> .		
Total Alabama Credit Union Administration	400,700	400,700
28. CRIME VICTIMS COMPENSATION COMMISSION, ALABAMA:		
(a) Special Services Program, Estimated		416,606
SOURCE OF FUNDS:		
(1) Alabama Crime Victims Compensation Commission Fund, Estimated	416,606	
To be expended in accordance with Sections 15-23-1 et seq., <u>Code of Alabama 1975</u> .		
Total Alabama Crime Victims Compensation Commission	416,606	416,606
29. CRIMINAL JUSTICE INFORMATION CENTER, ALABAMA:		
(a) Criminal Justice Information Services Program		3,666,419
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	2,820,503	
(2) Federal, Local, and Miscellaneous Funds	845,916	

Total Alabama Criminal Justice Information Center	2,820,503	845,916	3,666,419
30. DEVELOPMENT OFFICE, ALABAMA:			
(a) Promotional Development Program-Alabama Film Commission ...			250,000
(b) Administrative Services Program-Office of Minority Business			95,500
(c) Industrial Development Program-Alabama Development Office			4,348,309
(d) Alabama Reunion			300,000
SOURCE OF FUNDS:			
(1) State General Fund-Transfer-Alabama Development Office	4,548,309		
(2) State General Fund-Transfer-Office of Minority Business	95,500		
(3) State General Fund-Transfer-Alabama Film Commission	250,000		
(4) Federal, Local and Miscellaneous Funds		100,000	
Total Alabama Development Office	4,893,809	100,000	4,993,809
31. DISTRICT ATTORNEYS:			
(a) Court Operations Program			12,071,127
The proposed spending plan included in the above total is as follows:			
Salaries of District Attorneys	2,331,897		
Salary of elected Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit	57,045		
For the use of the elected Assistant District Attorney of the Bessemer Division of the 10th Judicial Circuit	136,393		
Salaries and expenses of Supernumerary District Attorneys	1,130,750		
For use in the District Attorney's Office of the following Judicial Circuits:			
1st Judicial Circuit	120,568		
2nd Judicial Circuit	136,261		
3rd Judicial Circuit	189,349		
4th Judicial Circuit	417,957		
5th Judicial Circuit	385,013		
6th Judicial Circuit	298,183		
7th Judicial Circuit	241,397		
8th Judicial Circuit	180,822		

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9th Judicial Circuit	161,132
10th Judicial Circuit	451,552
11th Judicial Circuit	129,936
12th Judicial Circuit	277,388
13th Judicial Circuit	493,642
14th Judicial Circuit	133,803
15th Judicial Circuit	422,423
16th Judicial Circuit	253,380
17th Judicial Circuit	134,374
18th Judicial Circuit	233,389
19th Judicial Circuit	171,909
20th Judicial Circuit	203,906
21st Judicial Circuit	154,027
22nd Judicial Circuit	134,732
23rd Judicial Circuit	336,879
24th Judicial Circuit	127,765
25th Judicial Circuit	122,277
26th Judicial Circuit	218,520
27th Judicial Circuit	169,983
28th Judicial Circuit	210,490
29th Judicial Circuit	230,734
30th Judicial Circuit	223,260
31st Judicial Circuit	125,492
32nd Judicial Circuit	161,680
33rd Judicial Circuit	159,483
34th Judicial Circuit	110,714
35th Judicial Circuit	105,562
36th Judicial Circuit	107,219
37th Judicial Circuit	214,054
38th Judicial Circuit	162,133
39th Judicial Circuit	132,213
Travel Expense of District Attorneys	75,000
Investigators Subsistence-Section 36-21-2, <u>Code of Alabama</u> 1975	196,441

SOURCE OF FUNDS:

(1) State General Fund	12,071,127	
Total District Attorneys	12,071,127	12,071,127

32. ECONOMIC AND COMMUNITY AFFAIRS, ALABAMA DEPARTMENT OF:

(a) Administrative Support Services Program	4,460,955
(b) Planning Program	36,853,423

Of the above appropriation, \$2,000,000 shall be allocated for capital facilities

to be used for scientific research conducted in the Birmingham area.

(c) Special Services Program	18,941,180
(d) Skills Enhancement and Employment Opportunities Program	60,914,952
(e) Energy Management Program	14,746,929
(f) Traffic Control and Accident Prevention Program	3,186,905
(g) Law Enforcement Planning and Development Program	3,303,226
(h) Surplus Property Program	1,310,000
(i) Regional Planning Commission	300,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer	7,233,079		
(2) Federal, Local and Miscellaneous Funds		131,493,354	
(3) Administrative Transfers		3,981,137	
(4) Administrative Transfers from Federal Donated Surplus Property Sales		700,000	
(5) Administrative Transfers from State-Owned Surplus Property Sales		610,000	
Total Alabama Department of Economic and Community Affairs	7,233,079	136,784,491	144,017,570

33. ELECTRICAL CONTRACTORS, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	93,000
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SOURCE OF FUNDS:

(1) Electrical Contractors Board Fees	93,000	
As provided in Section 34-36-17, <u>Code of Alabama 1975</u> .		
Total Board of Electrical Contractors	93,000	93,000

34. ELK RIVER DEVELOPMENT AGENCY:

(a) Water Resource Development Program	4,265
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SOURCE OF FUNDS:

(1) State General Fund	4,265	
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Total Elk River Development Agency	4,265	4,265
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35. EMERGENCY MANAGEMENT AGENCY:

(a) Readiness and Recovery Program		4,980,194
(b) Transfer to County Emergency Management Agencies		350,000

The above appropriation of \$350,000 is to be in addition to the regular allocations to county emergency management agencies.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,066,148	
(2) Federal, Local and Miscellaneous Funds		4,264,046

Total Emergency Management Agency	1,066,148	4,264,046	5,330,194
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36. ENERGY BOARD, SOUTHERN STATES:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geological Research and Topographic Mapping Program		27,149
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SOURCE OF FUNDS:

(1) State General Fund	27,149	
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Total Southern States Energy Board	27,149	27,149
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37. ENGINEERS AND LAND SURVEYORS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL:

(a) Professional and Occupational Licensing and Regulation Program		397,100
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SOURCE OF FUNDS:

(1) Professional Engineers' Fund	397,100	
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As provided in Section 34-11-36, Code of Alabama 1975.

Total State Board of Registration for Professional Engineers and Land Surveyors	397,100	397,100
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38. ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF:

(a) Environmental Management Program		43,429,034
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	4,345,745	
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(2) State General Fund-Transfer to Water Pollution Control Authority	2,700,000		
(3) State General Fund-Transfer to Tire Recycling Center	25,000		
(4) Environmental Management Fees		2,128,350	
As provided in Section 22-22A-11, <u>Code of Alabama 1975</u> .			
(5) Federal, Local and Miscellaneous Funds		6,669,939	
(6) Federal Match-Water Pollution Control Authority		27,160,000	
(7) Transfer from Underground Storage Tank Trust Fund-Act 88-378 ...		400,000	
Total Department of Environmental Management	7,070,745	36,358,289	43,429,034
39. ETHICS COMMISSION, ALABAMA:			
(a) Regulation of Public Officials and Employees Program			307,679
SOURCE OF FUNDS:			
(1) State General Fund	307,679		
Total Alabama Ethics Commission	307,679		307,679
40. FARMERS' MARKET AUTHORITY:			
(a) Agricultural Development Services Program			268,256
SOURCE OF FUNDS:			
(1) State General Fund-Transfer for Administration	94,374		
(2) Farmers' Market Authority Administration-Transfer from Capital Outlay Account		36,941	
(3) Farmers' Market Authority Fund-Revenue and Capital Outlay Account		136,941	
Total Farmers' Market Authority	94,374	173,882	268,256
41. FINANCE, DEPARTMENT OF:			
(a) Fiscal Management Program			3,465,671
(b) Administrative Support Services Program			4,052,907
(c) Capitol Police-Equipment			41,000
SOURCE OF FUNDS:			
(1) State General Fund	7,509,578		
(2) Miscellaneous Funds		50,000	

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Total Department of Finance	7,509,578	50,000	7,559,578
42. FINANCE, DEPARTMENT OF- AIR TRANSPORTATION:			
(a) Administrative Support Services Program			1,892,270
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	1,148,487		
(2) Departmental Receipts		743,783	
Total Department of Finance-Air Transportation	1,148,487	743,783	1,892,270
43. FINANCE, DEPARTMENT OF- ALABAMA BUILDING AU- THORITY:			
(a) Administrative Support Services Program			1,397,605
(b) Asbestos Removal and Renovation			3,075,559
SOURCE OF FUNDS:			
(1) Alabama Building Authority Op- erating Fund		4,473,164	
Total Department of Finance-Ala- bama Building Authority		4,473,164	4,473,164
44. FINANCE, DEPARTMENT OF- ALABAMA BUILDING FI- NANCE AUTHORITY:			
(a) Administrative Support Services Program			1,047,021
SOURCE OF FUNDS:			
(1) Alabama Building Finance Au- thority Operating Fund		1,047,021	
Total Department of Finance-Ala- bama Building Finance Authority ..		1,047,021	1,047,021
45. FINANCE, DEPARTMENT OF- CAPITOL COMPLEX MAINTE- NANCE AND REPAIR:			
(a) Administrative Support Services Program			2,642,641
SOURCE OF FUNDS:			
(1) Capitol Complex Revolving Fund		2,642,641	
Total Department of Finance-Capitol Complex Maintenance and Repair		2,642,641	2,642,641
46. FINANCE, DEPARTMENT OF- DATA CENTER OPERATING FUND:			
(a) Administrative Support Services Program			14,697,200

SOURCE OF FUNDS:

(1) Data Center Operating Fund	14,697,200	
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Total Department of Finance-Data Center Operating Fund	14,697,200	14,697,200
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47. FINANCE, DEPARTMENT OF-
STATE INSURANCE FUND:

(a) Administrative Support Services Program		749,696
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SOURCE OF FUNDS:

(1) State Insurance Fund- Administrative	749,696	
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As provided in Section 41-15-1 et seq.,
Code of Alabama 1975.

Total Department of Finance-State In- surance Fund	749,696	749,696
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48. FINANCE, DEPARTMENT OF-
CENTRAL MAIL AND SUPPLY:

(a) Administrative Support Services Program		4,586,954
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SOURCE OF FUNDS:

(1) Mail and Supply Revolving Fund	4,586,954	
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Total Department of Finance-Central Mail and Supply	4,586,954	4,586,954
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49. FINANCE, DEPARTMENT OF-
MOTOR POOL:

(a) Administrative Support Services Program		1,794,828
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SOURCE OF FUNDS:

(1) Motor Pool Revolving Fund	1,794,828	
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Total Department of Finance-Motor Pool	1,794,828	1,794,828
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50. FINANCE, DEPARTMENT OF-
PRINTING AND PUBLICA-
TIONS:

(a) Administrative Support Services Program		4,542,084
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SOURCE OF FUNDS:

(1) Printing and Publications Revolv- ing Fund	4,542,084	
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Total Department of Finance-Printing and Publications	4,542,084	4,542,084
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51. FINANCE, DEPARTMENT OF-
TELEPHONE REVOLVING
FUND:

(a) Administrative Support Services Program		9,455,305
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,211,105		
(2) Telephone Revolving Fund		7,244,200	

Total Department of Finance-Telephone Revolving Fund	2,211,105	7,244,200	9,455,305
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52. FINANCE, DEPARTMENT OF-
DSMD SUPERCOMPUTER
FUND:

(a) Administrative Support Services Program		1,000,000
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The above appropriation is for the maintenance and operation of the Supercomputer.

SOURCE OF FUNDS:

(1) Collections from state agencies and other entities	1,000,000		
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Total Department of Finance-DSMD Supercomputer Fund	1,000,000	1,000,000
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53. FOREIGN TRADE RELA-
TIONS COMMISSION:

(a) Special Services Program		100,000
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SOURCE OF FUNDS:

(1) State General Fund	100,000		
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Total Foreign Trade Relations Commission	100,000	100,000
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54. FORENSIC SCIENCES, DE-
PARTMENT OF:

(a) Forensic Science Services Program		5,836,974
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Of the above appropriation, \$200,000 shall be used to purchase DNA testing equipment, supplies, personnel costs, and training for the use of such equipment.

(b) Capital Outlay		191,444
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For the completion of an autopsy and morgue facility in Montgomery, Alabama.

SOURCE OF FUNDS:

(1) State General Fund	5,679,501		
(2) Capital Outlay	191,444		
(3) Federal, Local and Miscellaneous Funds		157,473	
Total Department of Forensic Sciences	5,870,945	157,473	6,028,418

55. FORESTERS, ALABAMA
STATE BOARD OF REGISTRA-
TION FOR:

(a) Professional and Occupational Li- censing and Regulation Program			24,500
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SOURCE OF FUNDS:

(1) Professional Foresters' Fund	24,500		
As provided in Section 34-12-36, <u>Code of Alabama 1975</u> .			
Total Alabama State Board of Regis- tration for Foresters		24,500	24,500

56. FORESTRY COMMISSION,
ALABAMA:

(a) Forest Resources Protection and Development Program			22,082,939
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	12,075,500		
(2) Federal and Local Funds		2,801,625	
(3) Forestry Commission Fund		7,205,814	
Of the above appropriation, at least \$2,302,000 shall be used for rural and community fire protection.			
Total Alabama Forestry Commission	12,075,500	10,007,439	22,082,939

Of the above appropriation, \$200,000 shall be used for forestry research, marketing, management and environmental improvement grants.

In addition to the above appropriation to the Alabama Forestry Commission, there is hereby conditionally appropriated for capital outlay from the Alabama Forestry Commission Fund the net proceeds from the sale of certain present property where the Birmingham District Headquarters is located in Jefferson County. The proceeds from said sale shall be covered into the Alabama Forestry Commission Fund. The above conditional appropriation shall be used

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to purchase land, building(s), and/or construction of building(s) in order to relocate the Birmingham District Headquarters. This conditional appropriation shall become absolute when said sale is concluded, recommended by the Finance Director and approved by the Governor.

57. FUNERAL SERVICE, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	128,000
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SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund	128,000
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As provided in Section 34-13-23, Code of Alabama 1975.

Total Alabama Board of Funeral Service	128,000	128,000
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58. GEOLOGICAL SURVEY:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program	2,647,514
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SOURCE OF FUNDS:

(1) State General Fund	2,068,645
(2) Federal, Local and Miscellaneous Funds	578,869

Total Geological Survey	2,068,645	578,869	2,647,514
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59. GORGAS MEMORIAL BOARD:

(a) Historical Resources Management Program	5,000
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SOURCE OF FUNDS:

(1) State General Fund	5,000
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As provided in Section 41-9-220, Code of Alabama 1975, and an additional amount.

Total Gorgas Memorial Board	5,000	5,000
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60. GOVERNOR'S MANSION ADVISORY BOARD:

(a) Historical Resources Management Program	9,073
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	9,073
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Total Governor's Mansion Advisory Board	9,073	9,073
61. GOVERNOR'S MANSION AND COASTAL MANSION:		
(a) Executive Direction Program		181,450
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	181,450	
Total Governor's Mansion and Coastal Mansion	181,450	181,450
62. GOVERNOR'S OFFICE:		
(a) Executive Direction Program		1,461,150
SOURCE OF FUNDS:		
(1) State General Fund	1,461,150	
Total Governor's Office	1,461,150	1,461,150
63. GOVERNOR'S OFFICE ON VOLUNTEERISM:		
(a) Executive Direction Program		85,413
SOURCE OF FUNDS:		
(1) State General Fund	85,413	
Total Governor's Office on Volunteerism	85,413	85,413
64. HEALTH, DEPARTMENT OF PUBLIC:		
(a) Personal Health Improvement Program		64,630,465
(b) Health Support Services Program		43,004,001
Of the amount appropriated to support local health department services, \$4,020,000 shall be used to provide a minimum staff in each of the 67 counties, and the remaining shall be allocated to the counties on the basis of need and a match formula to be determined by the Department.		
(c) Administrative Services Program		7,882,513
(d) Industrial Health Services Program		254,000
(e) Perinatal and Related SOBRA Services Program		10,400,000
SOURCE OF FUNDS:		
(1) State General Fund	26,051,363	
(2) Cigarette Tax-\$0.01 and \$0.02		4,000,000
As provided in Section 40-25-2 and Section 40-25-23, <u>Code of Alabama 1975</u> .		

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(3) Vital Statistics Fund	1,381,254		
(4) Hospital Licensing Fund	235,000		
(5) Emergency Medical Services Fund	50,000		
As provided in Section 22-18-4, <u>Code</u> <u>of Alabama 1975.</u>			
(6) Local Health Departments	20,880,748		
(7) Nuclear Monitoring Fund	139,000		
(8) Radiation Safety Fund	100,000		
(9) Miscellaneous Funds	9,845,514		
(10) Federal Funds	57,088,100		
(11) Transfer from ABC Board	4,000,000		
(12) Miscellaneous Funds-SOBRA Program	2,400,000		
Total Department of Public Health	26,051,363	100,119,616	126,170,979
65. HEALTH PLANNING AGENCY, STATE:			
(a) Health Planning Development and Regulation Program			654,797
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	304,797		
(2) Certificate of Need Fees		300,000	
(3) Federal, Local and Miscellaneous Funds		50,000	
Total State Health Planning Agency ..	304,797	350,000	654,797
66. HEARING AID DEALERS, ALABAMA BOARD OF:			
(a) Professional and Occupational Li- censing and Regulation Program			40,000
SOURCE OF FUNDS:			
(1) State Board of Health-Hearing Aid Fund		40,000	
As provided in Section 34-14-33, <u>Code</u> <u>of Alabama 1975.</u>			
Total Alabama Board of Hearing Aid Dealers		40,000	40,000
67. HEATING AND AIR CONDI- TIONING CONTRACTORS, BOARD OF:			
(a) Professional and Occupational Li- censing and Regulation Program			133,301
SOURCE OF FUNDS:			
(1) Heating and Air Conditioning Contractors Fund		133,301	

Total Board of Heating and Air Con- ditioning Contractors	133,301	133,301
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68. HERITAGE TRUST FUND,
ALABAMA:

(a) Fiscal Management Program	20,000
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SOURCE OF FUNDS:

(1) Heritage Trust Income	20,000
Total Alabama Heritage Trust Fund ..	20,000 20,000

69. HIGHWAY DEPARTMENT:

(a) Central Administration Program	10,706,273
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(b) Division and District Supervision Program	19,224,843
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(c) Operations and Support Services Program	7,972,800
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(d) Maintenance Program	131,438,043
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(e) Non-Programmatic Programs	108,842,333
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Proposed Spending Plan for the above
(e) includes the following:

Debt Service 107,285,685

Equipment-Other than
Automotive 1,556,648

(f) Construction-Federal Aid Program	335,308,070
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Proposed Spending Plan for the above
(f) includes the following:

Federal Aid Matching 47,729,452

Non-Participating Work on Federal
Projects 1,000,000

Federal Aid 286,578,618

(g) Construction-State Program	20,000,000
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(h) Operations-Land and Buildings ...	1,408,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	71,500
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(2) Public Road and Bridge Fund	348,250,244
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(3) Federal Aid	286,578,618
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There is hereby appropriated, for pay-
ment of the principal of and the in-
terest on all bonds theretofore or
hereafter issued for public highways
and bridge purposes, or either, by the
State of Alabama, Alabama High-
way Authority, Alabama Federal Aid
Highway Finance Authority, or Ala-
bama Industrial Access Road and
Bridge Corporation, a total of
\$107,285,685 or so much as may be

necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment. The Highway Director with the consent of the Governor and the Finance Director shall have the authority to transfer any appropriation or any portion thereof between and among Subsections (a), (b), (c), (d), (e), (f), (g), (h), of this Section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable. In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

- (1) the appropriations made for Debt Service in Subsection (e) hereof shall be paid in full, (2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purposes referred to in Subsections (a), (b), (c), (d), (e), (f), (g), (h) except for Debt Service, hereof shall be allocated among the purposes referred to in said Subsections in such order and with such priorities as the State Highway Director shall from time to time direct. The funds appropriated in Subsection (f) hereof, for the matching Federal Funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made. In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available.

Total Highway Department	71,500	634,828,862	634,900,362
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In addition to the above appropriation to the Highway Department, there is hereby appropriated the sum of \$350,000 from any sources available

to the Highway Department as the state match for additional federal mass transit funds, to purchase capital equipment (rolling stock) for the state mass transportation program, and for an insurance and/or self-insurance program. Of the above appropriation to the Highway Department an amount up to \$140,000 is to be used to solve any state right-of-way problem involving fraternal organizations.

70. HISTORIC BLAKELEY AUTHORITY:

(a) Tourism and Travel Promotion Program	190,150
(b) Capital Outlay	100,000

SOURCE OF FUNDS:

(1) State General Fund	290,150	
Total Historic Blakeley Authority	290,150	290,150

71. HISTORIC CHATTAHOOCHEE COMMISSION:

(a) Historical Resources Management Program	98,200
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SOURCE OF FUNDS:

(1) State General Fund	98,200	
Total Historic Chattahoochee Commission	98,200	98,200

72. HISTORICAL COMMISSION, ALABAMA:

(a) Historical Resources Management Program	2,309,566
(b) Historical Resources Management Program-Capital Outlay	80,841
(c) Historical Preservation Projects ...	952,540

The above appropriation for Historical Preservation Projects shall include \$50,000 for a museum that traces the history of coal mining.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,483,914
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The State General Fund appropriation shall include the following:

Historical Commission, Alabama	246,840
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Historical Commission, Alabama-John T. Morgan House, Selma	11,460
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Historical Commission, Alabama- Cahaba	150,000		
Historical Commission, La Grange	7,774		
(2) State General Fund-Transfer- Capital Outlay	80,841		
(3) State General Fund-Transfer- Historical Preservation Projects	952,540		
(4) Federal, Local and Miscellaneous Funds		825,652	
Total Alabama Historical Commission	2,517,295	825,652	3,342,947

As provided in Act No. 87-749, in addition to the amounts appropriated hereinabove to the Alabama Historical Commission, there is hereby appropriated the proceeds from the sale of 1945 legislative desks and chairs for the cost of reproduction furniture to be used in the restoration of the Alabama State Capitol.

73. HUMAN RESOURCES, DEPARTMENT OF:

(a) Human Services Program 281,722,049

It is the intent of the Legislature that allotments be made to the County Departments of Human Resources in the amount of \$165,500 to fund, upon approval of the county department director, supplemental client services not otherwise provided for through existing programs of the Department of Human Resources. Allotments to the county departments based on the counties' populations according to the 1980 census are as follows: county populations greater than 50,000, \$3,500; county populations less than 50,000, \$2,000.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	13,688,441	
(2) State General Fund-Transfer-Additional Day Care Slots	1,500,000	
(3) State General Fund-Transfer-Group Homes	1,000,000	
(4) Federal, Local and Miscellaneous Funds		185,874,156
(5) ABC Profits		1,070,000
(6) Whiskey Tax		21,100,000

(7) Beer Tax	8,100,000		
(8) Pension Residue	14,000,000		
(9) Sales Tax	1,322,000		
(10) Franchise Tax	13,600,000		
(11) Child Support Collections	3,127,097		
(12) Sales Tax for Food Stamps	11,090,355		
(13) Cigarette Tax	4,375,000		
(14) Contractor's Gross Receipts Tax	1,875,000		

Total Department of Human

Resources	16,188,441	265,533,608	281,722,049
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It is the intent of the Legislature that two-thirds of the state's present and future client slots for the program known as the "Medicaid Waiver Services Program-Home and Community-Based Waiver for the Elderly and Disabled" be served by the Department of Human Resources. The Department of Human Resources may contract with other agencies, specifically including the State Department of Public Health, to provide the services under the Medicaid Waiver Services Program.

74. INDIAN AFFAIRS COMMISSION, ALABAMA:

(a) Social Services Program	152,560		
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The above appropriation is to be expended in accordance with Sections 41-9-708 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund	152,560		
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Total Alabama Indian Affairs

Commission	152,560		152,560
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75. INDUSTRIAL DEVELOPMENT AUTHORITY, STATE:

(a) Industrial Development Program			76,100
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SOURCE OF FUNDS:

(1) SIDA Application Fees Fund	76,100		
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Total State Industrial Development

Authority	76,100		76,100
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76. INDUSTRIAL RELATIONS, DEPARTMENT OF:

(a) Unemployment Compensation Program			16,788,976
(b) Skills Enhancement and Employment Opportunities Program			19,219,009

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(c) Industrial Safety and Accident Prevention Program	4,648,746
(d) Administrative Services Program	8,451,718
(e) Workmen's Compensation Program	573,764

The above appropriation of \$573,764 must be used in the Workmen's Compensation Program and may not be transferred to any other program or expended for any other function.

SOURCE OF FUNDS:

(1) State General Fund	1,159,337		
(2) Federal, Local and Miscellaneous Funds		48,522,876	
Total Department of Industrial Relations	1,159,337	48,522,876	49,682,213

77. INSURANCE, DEPARTMENT OF:

(a) Regulatory Services Program	2,365,123
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SOURCE OF FUNDS:

(1) State General Fund	1,254,670		
(2) Fire Marshal's Fund		136,844	
As provided in Section 24-5-10, Code of Alabama 1975. Any balance in excess of \$50,000 at the end of the fiscal year shall be transferred to the State General Fund.			
(3) Examination Revolving Fund		973,609	
Total Department of Insurance	1,254,670	1,110,453	2,365,123

Of the above appropriation to the Department of Insurance, \$50,000 is hereby appropriated for advance newspaper publication of rate filings prior to any hearing or other determination by the Commissioner.

78. INSURANCE BOARD, STATE EMPLOYEES':

(a) Administrative Support Services Program	350,000
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SOURCE OF FUNDS:

(1) State Employees' Insurance Board Expense Fund	350,000
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Total State Employees' Insurance Board	350,000	350,000
79. INTERIOR DESIGNERS, ALABAMA STATE BOARD OF REGISTRATION FOR:		
(a) Professional and Occupational Licensing and Regulation Program		5,700
SOURCE OF FUNDS:		
(1) Interior Designers Fund	5,700	
As provided in Section 34-15A-7, <u>Code of Alabama 1975</u> .		
Total Alabama State Board of Registration for Interior Designers	5,700	5,700
80. LABOR, DEPARTMENT OF:		
(a) Regulatory Services Program		354,802
SOURCE OF FUNDS:		
(1) State General Fund	304,802	
(2) Federal, Local and Miscellaneous Funds	50,000	
Total Department of Labor	304,802	354,802
81. LANDSCAPE ARCHITECTS, BOARD OF EXAMINERS FOR:		
(a) Professional and Occupational Licensing and Regulation Program		18,525
SOURCE OF FUNDS:		
(1) Landscape Architects Fund	18,525	
As provided in Section 34-17-6, <u>Code of Alabama 1975</u> .		
Total Board of Examiners of Landscape Architects	18,525	18,525
82. LIEUTENANT GOVERNOR, OFFICE OF THE:		
(a) Legislative Operations and Support Program		440,156
SOURCE OF FUNDS:		
(1) State General Fund	440,156	
Total Office of the Lieutenant Governor	440,156	440,156
83. LIQUEFIED PETROLEUM GAS BOARD:		
(a) Regulatory Services Program		342,000
SOURCE OF FUNDS:		
(1) Liquefied Petroleum Gas Board Fund	342,000	

Total Liquefied Petroleum Gas Board	342,000	342,000
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84. MANUFACTURED HOUSING COMMISSION, ALABAMA:

(a) Regulatory Services Program		494,921
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SOURCE OF FUNDS:

(1) Alabama Manufactured Housing Commission Fund	494,921	
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As provided in Section 24-6-4, Code of Alabama 1975.

Total Alabama Manufactured Housing Commission	494,921	494,921
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85. MEDICAID AGENCY, ALABAMA:

(a) Medical Assistance Through Medicaid Program		536,786,519
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It is the intent of the Legislature that of the above appropriation, which includes \$22,489,144 for SOBRA, Medicaid eligibility shall be extended to include, to the fullest extent possible, pregnant women and children up to 1 year of age who have incomes at or below 100% of the federal poverty level. It is the further intent of the Legislature that the provisions of the state's SOBRA program will include raising to a minimum of 80% of the physician's reimbursement level the reimbursement for certified midwives for deliveries under Medicaid. Also, it is the intent of the Legislature that the state's SOBRA program provide for physician reimbursement for deliveries at minimum per patient which is above the national Medicaid average adjusted annually for global delivery fee and that such fee be reviewed periodically by the Alabama Medicaid Agency to insure the rate structure provides access for prenatal care. In addition, the Legislature intends that SOBRA provisions include reimbursement to pediatricians who attend a high-risk Medicaid covered delivery. The Legislature intends that SOBRA provisions in the State allow pregnant women, who are determined to be eligible for Medicaid through SOBRA, remain eligible throughout

their pregnancy, that an assets test shall not be required in making a determination of eligibility for such program, and that all providers designated under Public Law 99-509 (SOBRA) may be certifiers of presumptive eligibility for Medicaid which will insure that the eligible State population have access for said services.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	108,176,779		
(2) State General Fund-Transfer-SOBRA	6,049,572		
(3) Transfer from Department of Human Resources		3,824,175	
(4) Transfer from Mental Health		19,050,250	
(5) Transfer from Commission On Aging		1,770,580	
(6) Federal, Local and Miscellaneous Funds		397,915,163	
Total Alabama Medicaid Agency	114,226,351	422,560,168	536,786,519

86. MEN'S HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program			5,000
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SOURCE OF FUNDS:

(1) State General Fund	5,000		
Total Alabama Men's Hall of Fame	5,000		5,000

87. MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF:

(a) Institutional Treatment and Care-Mental Illness Program		84,864,025	
(b) Institutional Treatment and Care-Mental Retardation Program		65,593,752	
(c) Institutional Treatment and Care-Criminally Insane Program		5,384,765	
(d) Administrative Services Program		5,308,394	
(e) Community Services Program		58,342,197	

Of the above appropriation, \$1,000,000 shall be expended for new and expanded residential drug treatment services. It is further provided, however, that no reduction in funding for existing community services shall be made to provide for said drug treatment services.

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(f) Community Work Centers	1,000,000
(g) Agency Administration Program ..	696,899

SOURCE OF FUNDS:

(1) State General Fund-Transfer	59,224,627
(2) Special Mental Health Trust Fund	85,844,000

For operations and maintenance of the State Mental Health and Mental Retardation Department and the Mental Health and Mental Retardation Community Programs, including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama state hospitals.

(3) Transfer from ABC Profits	1,000,000
(4) Cigarette Tax	6,800,000
(5) Federal, Local and Miscellaneous Funds	68,321,405

Total Department of Mental Health and Mental Retardation	59,224,627	161,965,405	221,190,032
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88. MILITARY DEPARTMENT:

(a) Military Operations Program	5,432,307
(b) Capital Outlay	250,000

SOURCE OF FUNDS:

(1) State General Fund-Operations	1,682,657
(2) State General Fund-Quarterly Allowances Headquarters	1,363,800

Regular Allowance Units to be used solely for operating expenses; provided, that no more than \$4,500 shall be allotted in any fiscal year for the Alabama National Guard Headquarters.

(3) State General Fund-Transfer-Capital Outlay for Architect and Engineering Services, specifications repair and construction of facilities	250,000
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The above appropriation shall include funding for asbestos removal at the Fort Whiting Armory.

(4) State General Fund-Active Military Service	75,000
(5) State General Fund-Transfer to Armory Commission	2,300,000
(6) State General Fund-Dropping Allowance	4,500

(7) State General Fund-State Defense Force	6,350	
Total Military Department	5,682,307	5,682,307
89. MILITARY DEPARTMENT-ARMORY COMMISSION OF ALABAMA:		
(a) Military Operations Program		4,399,765
SOURCE OF FUNDS:		
(1) Transfer from Military Department	2,300,000	
(2) Federal, Local and Miscellaneous Funds	2,099,765	
The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of facilities; provided, however, that the last federal government service contract reimbursement shall not revert to the State General Fund, and any unobligated balance remaining thereof in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.		
Total Armory Commission of Alabama	4,399,765	4,399,765
90. MOTOR SPORTS HALL OF FAME:		
(a) Tourism and Travel Promotion Program		50,000
SOURCE OF FUNDS:		
(1) State General Fund	50,000	
Total Motor Sports Hall of Fame	50,000	50,000
91. MUSIC HALL OF FAME, ALABAMA:		
(a) Fine Arts Program		120,354
SOURCE OF FUNDS:		
(1) State General Fund	120,354	
Total Alabama Music Hall of Fame	120,354	120,354
92. NURSING, ALABAMA BOARD OF:		
(a) Professional and Occupational Licensing and Regulation Program		1,052,160

SOURCE OF FUNDS:

(1) Alabama Board of Nursing Trust Fund-as provided in <u>Code of Ala- bama 1975</u> , as amended, Sections 34- 21-1 through 34-21-43	1,052,160	
Total Alabama Board of Nursing	1,052,160	1,052,160

93. NURSING HOME ADMINIS-
TRATORS, BOARD OF EXAM-
INERS OF:

(a) Professional and Occupational Li- censing and Regulation Program		48,000
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SOURCE OF FUNDS:

(1) Board of Examiners of Nursing Home Administrators Fund	48,000	
As provided in Section 34-20-7, <u>Code of Alabama 1975</u> .		
Total Board of Examiners of Nursing Home Administrators	48,000	48,000

94. OIL AND GAS BOARD:

(a) Management and Regulation of Oil and Gas Exploration and Develop- ment Program		2,305,833
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SOURCE OF FUNDS:

(1) State General Fund	2,195,833	
(2) Oil and Gas Board Special Fund ..	100,000	
(2) Federal, Local and Miscellaneous Funds	10,000	
Total Oil and Gas Board	2,195,833	2,305,833

95. PARDONS AND PAROLES,
BOARD OF:

(a) Administration of Pardons and Paroles Program		11,812,792
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SOURCE OF FUNDS:

(1) State General Fund	8,797,072	
(2) Probationers Upkeep Fund	2,878,050	
In accordance with Section 15-22-2, <u>Code of Alabama 1975</u> .		
(3) Miscellaneous Funds	137,670	
Total Board of Pardons and Paroles ...	8,797,072	11,812,792

96. PEACE OFFICERS' ANNUITY
AND BENEFIT FUND, ALA-
BAMA:

(a) Retirement Systems Program		266,990
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SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Ben- efit Fund	266,990	
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As provided in Section 36-21-66, Code of Alabama 1975.

Total Alabama Peace Officers' Annuity and Benefit Fund	266,990	266,990
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97. PERSONNEL DEPARTMENT,
STATE:

(a) Administrative Support Services Program	2,893,827
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SOURCE OF FUNDS:

Transfers to the State Personnel Department shall be as follows:

(1) Board of Public Accountancy	287
(2) Department of Aeronautics	479
(3) Commission on Aging	1,915
(4) Department of Agriculture and Industries	44,290
(5) Agricultural Center Board	1,819
(6) Alcoholic Beverage Control Board	88,054
(7) Board of Registration for Architects	144
(8) Archives and History	4,644
(9) State Council on the Arts	1,006
(10) Attorney General's Office	13,646
(11) State Auditor	2,059
(12) State Banking Department	4,980
(13) Building Commission	2,155
(14) Child Abuse and Neglect Prevention Board	192
(15) Chiropractic Examiners	96
(16) Department of Conservation and Natural Resources	100,934
(17) State Licensing Board for General Contractors	527
(18) Department of Corrections	264,688
(19) Board of Cosmetology	862
(20) Credit Union Administration	527
(21) Alabama Crime Victims Compensation Commission	622
(22) Criminal Justice Information Center	6,033
(23) Alabama Development Office	3,208
(24) State Docks	46,541
(25) Department of Economic and Community Affairs	29,878

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(26) Department of Education	128,322
(27) Electrical Contractors Board	48
(28) Emergency Management Agency	3,687
(29) Local Emergency Management ..	5,000
(30) Board of Registration for Profes- sional Engineers and Land Surveyors	431
(31) Department of Environmental Management	22,265
(32) Ethics Commission	575
(33) Examiners of Public Accounts	20,110
(34) Farmers' Market Authority	239
(35) Finance Department	45,679
(36) Finance-Alabama Building Authority	2,681
(37) Finance-Alabama Building Fi- nance Authority	1,819
(38) Firefighters' Personnel Standards and Education Commission	383
(39) Foreign Trade Relations Commission	144
(40) Department of Forensic Sciences	10,869
(41) Forestry Commission	39,742
(42) Funeral Services	144
(43) Governor's Office	3,112
(44) Department of Public Health	209,960
(45) Board of Heating and Air Con- ditioning Contractors	192
(46) Highway Department	359,972
(47) Alabama Historical Commission	5,794
(48) Housing Finance Authority	239
(49) Department of Human Resources	373,953
(50) Alabama Indian Affairs Commission	144
(51) Department of Industrial Relations	162,318
(52) Insurance Department	5,315
(53) Judicial Inquiry Commission	48
(54) Department of Labor	766
(55) Legislative Reference Service	575
(56) Liquefied Petroleum Gas Board	622
(57) Manufactured Housing Commission	383

(58) Alabama Medicaid Agency	26,861	
(59) Department of Mental Health and Mental Retardation	448,936	
(60) Military Department	17,285	
(61) Board of Nursing	1,580	
(62) Board of Examiners of Nursing Home Administrators	48	
(63) Oil and Gas Board	10,294	
(64) Pardons and Paroles	26,718	
(65) Peace Officers' Annuity and Ben- efit Fund	239	
(66) Peace Officers' Standards and Training Commission	335	
(67) Physical Fitness Commission	575	
(68) Board of Physical Therapy	48	
(69) Board of Polygraph Examiners ..	96	
(70) Public Library Service	5,698	
(71) Department of Public Safety	118,458	
(72) Public Service Commission	13,119	
(73) Alabama Educational Television Commission	7,757	
(74) Real Estate Commission	1,484	
(75) Retirement Systems	11,396	
(76) Department of Revenue	113,000	
(77) Secretary of State	2,442	
(78) Securities Commission	2,011	
(79) Board of Social Work Examiners	96	
(80) Soil and Water Conservation	335	
(81) Surface Mining Commission	4,788	
(82) Bureau of Tourism and Travel ...	6,799	
(83) State Treasurer	4,070	
(84) Department of Veterans' Affairs	5,937	
(85) Board of Veterinary Medical Examiners	96	
(86) Department of Youth Services ...	36,725	
(87) State Health Planning Agency ...	1,484	
Total State Personnel Department	2,893,827	2,893,827
99. PHYSICAL THERAPY, BOARD OF:		
(a) Professional and Occupational Li- censing and Regulation Program		72,435
SOURCE OF FUNDS:		
(1) Physical Therapist Fund	72,435	

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As provided in Section 34-24-195, Code of Alabama 1975.

Total Board of Physical Therapy	72,435	72,435
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100. PLUMBERS AND GAS FITTERS EXAMINING BOARD, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program		249,480
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SOURCE OF FUNDS:

(1) Board of Plumbers and Gas Fitters Examiners Fund	249,480	
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Total Alabama Plumbers and Gas Fitters Examining Board	249,480	249,480
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101. POLYGRAPH EXAMINERS, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program		30,000
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SOURCE OF FUNDS:

(1) Board of Polygraph Examiners Fund	30,000	
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As provided in Section 34-25-5, Code of Alabama 1975.

Total Board of Polygraph Examiners	30,000	30,000
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102. PROSECUTION SERVICES, OFFICE OF:

(a) Prosecution, Training, Education and Management Program		1,287,427
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	360,589		
(2) Office of Prosecution Services Fund		926,838	

Total Office of Prosecution Services ...	360,589	926,838	1,287,427
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103. PSYCHOLOGY, ALABAMA BOARD OF EXAMINERS IN:

(a) Professional and Occupational Licensing and Regulation Program		45,430
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SOURCE OF FUNDS:

(1) Board of Examiners in Psychology Fund	45,430	
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As provided in Section 34-26-43, Code of Alabama 1975.

Total Alabama Board of Examiners in Psychology	45,430	45,430
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104. PUBLIC SAFETY, DEPARTMENT OF:

(a) Traffic Control and Accident Prevention Program	17,109,831
(b) Criminal Investigation Program ...	4,685,923
(c) Driver's Licensing and Improvement Program	10,273,240
(d) Public Safety Support Services Program	7,592,294
(e) Administrative Services Program	4,899,971
(f) Alabama Criminal Justice Training Center Program	1,924,821

SOURCE OF FUNDS:

(1) State General Fund	46,486,080	
Total Department of Public Safety	46,486,080	46,486,080

105. PUBLIC SERVICE COMMISSION:

(a) Regulatory Services Program	5,649,101
(b) Administrative Services Program	1,842,134
(c) Transfer to Legislature	100,000

SOURCE OF FUNDS:

(1) Public Service Commission Fund	6,973,235
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The above amount shall include \$100,000 to be transferred from the Public Service Commission Fund to the Legislature, authorized pursuant to the provisions of Section 29-1-22, Code of Alabama 1975.

The above appropriation to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such parts or percentages of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$600,000 shall be transferred to the State General Fund.

(2) Gas Pipeline Safety Fund	386,000
(3) Federal and Miscellaneous Funds	232,000

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Total Public Service Commission	7,591,235	7,591,235
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106. REAL ESTATE COMMIS-
SION, ALABAMA:

(a) Professional and Occupational Li- censing and Regulation Program		1,029,034
(b) Capital Outlay		400,000

SOURCE OF FUNDS:

(1) Alabama Real Estate Commission Fund	1,429,034	
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As provided in Section 34-27-4, Code of Alabama 1975 and the total ex-
penditures shall in no manner ex-
ceed the amounts hereby
appropriated.

Total Alabama Real Estate Commission	1,429,034	1,429,034
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107. REVENUE, DEPARTMENT
OF:

(a) State Revenue Administration Program		49,671,690
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	250,000	
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As provided in Section 40-7-70, Code of Alabama 1975, to maintain a pro-
gram for the equalization of ad va-
lorem tax assessments.

(2) State General Fund-Board of Equalization	124,985	
(3) Ad Valorem Equalization Fund		220,115
(4) Transfers from the proceeds of the following:		
(a) Cigarette Tax Collections		888,224

As provided in Section 40-25-27, Code of Alabama 1975.

(b) Financial Institution Excise Tax Collections	230,198	
(c) Forest Severance Tax Collections		84,784
(d) Gasoline Tax Collections		4,030,552
(e) Income Tax Collections		13,678,883
(f) Motor Fuel Tax Collections		840,032
(g) Motor Vehicle License Collections		1,821,412
(h) Pension Fund as part of the cost of collections of the 1-Mill Ad Valo- rem Tax		557,337

(i) Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax	1,373,134
(j) Sales Tax Collections	12,067,459
(k) Tobacco Tax Collections	36,353
(l) Use Tax Collections	1,320,637
(m) Utility Tax Collections	2,932,060
(5) Local Funds	6,000,442
(6) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags	2,365,083
(7) Inspection fees for restored vehicles	750,000

As provided in Section 32-8-87, Code of Alabama 1975.

(8) Revenue Administration Fund-Transfer from Abandoned Property Trust Fund as provided in Section 35-12-39, <u>Code of Alabama 1975</u>	100,000
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The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law. Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

Total Department of Revenue	374,985	49,296,705	49,671,690
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108. SECRETARY OF STATE:

(a) Administrative Support Services Program	1,157,627
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SOURCE OF FUNDS:

(1) State General Fund	778,627		
(2) UCC and Farm Indexing Fund		379,000	
Total Secretary of State	778,627	379,000	1,157,627

109. SECURITIES COMMISSION:

(a) Regulatory Services Program	817,228
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SOURCE OF FUNDS:

(1) State General Fund	469,489
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(2) Industrial Revenue Bond Notification Fund	220,190		
(3) Sale of Checks License Fund	7,781		
(4) Exemption Fund	119,768		
Total Securities Commission	469,489	347,739	817,228
110. SENIOR CITIZENS HALL OF FAME, ALABAMA:			
(a) Historical Resources Management Program			22,681
SOURCE OF FUNDS:			
(1) State General Fund	22,681		
Total Alabama Senior Citizens Hall of Fame	22,681		22,681
111. SOCIAL WORK EXAMINERS, ALABAMA STATE BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			61,888
SOURCE OF FUNDS:			
(1) Alabama State Board of Social Work Examiners Fund	61,888		
As provided in Section 34-30-6, <u>Code of Alabama 1975</u> .			
Total Alabama State Board of Social Work Examiners	61,888		61,888
112. SOIL AND WATER CONSERVATION COMMITTEE, STATE:			
(a) Water Resource Development Program			1,208,381
(b) Professional and Occupational Licensing and Regulation Program			4,000
SOURCE OF FUNDS:			
(1) State General Fund	1,178,381		
(2) Soil Classifiers Fund		4,000	
As provided in Section 34-32-19, <u>Code of Alabama 1975</u> .			
(3) Transfer from Agricultural and Conservation Development Commission		30,000	
Total State Soil and Water Conservation Committee	1,178,381	34,000	1,212,381
113. SOUTHERN GROWTH POLICIES BOARD:			
(a) Special Services Program			27,830

SOURCE OF FUNDS:

(1) State General Fund	27,830	
Total Southern Growth Policies Board	27,830	27,830

114. SPORTS HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program		140,000
(b) Capital Outlay		350,000

SOURCE OF FUNDS:

(1) State General Fund	490,000	
Total Alabama Sports Hall of Fame ...	490,000	490,000

115. SPEECH PATHOLOGY AND AUDIOLOGY, ALABAMA BOARD OF EXAMINERS FOR:

(a) Professional and Occupational Licensing and Regulation Program		28,270
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SOURCE OF FUNDS:

(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund	28,270	
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As provided in Section 34-28A-44, Code of Alabama 1975.

Total Alabama Board of Examiners for Speech Pathology and Audiology ...	28,270	28,270
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116. SURFACE MINING COMMISSION, ALABAMA:

(a) Industrial Safety and Accident Prevention Program		5,239,079
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	450,000	
(2) Surface Mining Commission Fund	4,789,079	

As provided by Section 9-16-103, Code of Alabama 1975. All fees and charges, grants, gifts, fines, bond forfeitures or other monies received under the above act, in addition to the appropriation herein made, are appropriated to the Surface Mining Commission.

Total Alabama Surface Mining Commission	450,000	4,789,079	5,239,079
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117. TANNEHILL FURNACE AND FOUNDRY COMMISSION:

(a) Historical Resources Management Program		296,392
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SOURCE OF FUNDS:

(1) State General Fund	296,392		
Total Tannehill Furnace and Foundry Commission	296,392		296,392

118. TENNESSEE-TOMBIGBEE
WATERWAY DEVELOPMENT
AUTHORITY:

(a) Water Resource Development Program			101,000
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SOURCE OF FUNDS:

(1) State General Fund	101,000		
Total Tennessee-Tombigbee Waterway Development Authority	101,000		101,000

119. TENNESSEE VALLEY EXHIBIT COMMISSION OF ALABAMA:

(a) Promotional Development Program			572,241
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To be expended in accordance with Sections 41-9-780 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	70,766		
(2) Federal, Local and Miscellaneous Funds		301,475	
(3) Funds Generated as a Result of Bond Proceeds-Estimated		200,000	
Total Tennessee Valley Exhibit Commission of Alabama	70,766	501,475	572,241

120. TOURISM AND TRAVEL,
BUREAU OF:

(a) Tourism and Travel Promotion Program			4,436,999
(b) Grants and Benefits Program			914,583
Of the above appropriation, \$50,000 shall be transferred to the Cahaba Trace Commission.			
(c) Alabama Reunion			300,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,061,221		
(2) Lodgings Tax (\$0.01)		3,590,361	

Receipts collected under the provisions of Section 40-26-1 et seq., Code of Alabama 1975.

Total Bureau of Tourism and Travel	2,061,221	3,590,361	5,651,582
121. TREASURER, STATE:			
(a) Fiscal Management Program			1,648,353
SOURCE OF FUNDS:			
(1) State General Fund	1,648,353		
Total State Treasurer	1,648,353		1,648,353
122. UNIFORM STATE LAWS, ALABAMA COMMISSION ON:			
(a) Special Services Program, Estimated			6,500
SOURCE OF FUNDS:			
(1) State General Fund	6,500		
As provided in Section 41-9-374, <u>Code of Alabama 1975.</u>			
Total Alabama Commission on Uni- form State Laws	6,500		6,500
123. VETERANS' AFFAIRS, DE- PARTMENT OF:			
(a) Administration of Veterans' Af- fairs Program			2,860,397
SOURCE OF FUNDS:			
(1) State General Fund	2,860,397		
Total Department of Veterans' Affairs	2,860,397		2,860,397
124. VETERINARY MEDICAL EX- AMINERS, ALABAMA STATE BOARD OF:			
(a) Professional and Occupational Li- censing and Regulation Program			145,000
SOURCE OF FUNDS:			
(1) State Board of Veterinary Medical Examiners Fund		145,000	
As provided in Section 34-29-23 and Section 34-29-41, <u>Code of Alabama 1975.</u>			
Total Alabama State Board of Veteri- nary Medical Examiners		145,000	145,000
125. WOMEN'S COMMISSION, ALABAMA:			
(a) Employment and Social Oppor- tunities Program			9,980
SOURCE OF FUNDS:			
(1) State General Fund	9,980		

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Total Alabama Women's Commission	9,980	9,980
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126. WOMEN'S HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program		5,662
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SOURCE OF FUNDS:

(1) State General Fund	5,662	
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Total Alabama Women's Hall of Fame	5,662	5,662
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127. YOUTH SERVICES, DEPARTMENT OF:

(a) Juvenile Probation Officer's Subsidy		2,349,932
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(b) Youth Services Program		1,909,310
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The above appropriation shall be expended in accordance with the provision of the Code of Alabama 1975, as amended, Section 44-1-1 through 44-1-56.

SOURCE OF FUNDS:

(1) State General Fund-Juvenile Probation Officers Subsidy	2,349,932	
(2) State General Fund-Youth Services Program	617,977	
(3) Federal and Local Funds		1,291,333

Total Department of Youth Services ..	2,967,909	4,259,242
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128. LAW INSTITUTE, ALABAMA:

(a) Support of Other Educational Activities Program		335,955
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SOURCE OF FUNDS:

(1) State General Fund	335,955	
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Total Alabama Law Institute	335,955	335,955
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129. DEPARTMENT OF EDUCATION:

(a) Direct Client Services for the Handicapped/Projects-Vocational Rehabilitation/Crippled Children Services Program		2,030,000
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The General Fund monies included in the above program are to be distributed by the Department of Education as follows:

Homebound Program 2,000,000

Eye Injury Register 30,000

SOURCE OF FUNDS:

(1) State General Fund 2,030,000

Total Department of Education 2,030,000 2,030,000

130. SPACE SCIENCE EXHIBIT
COMMISSION:

(a) Tourism and Travel Promotion
Program 200,000

SOURCE OF FUNDS:

(1) State General Fund 200,000

Total Space Science Exhibit
Commission 200,000 200,000

131. SPECIAL INDUSTRIAL JOB
TRAINING:

(a) Industrial Training Program 1,000,000

This appropriation shall be administered by the Alabama Industrial Development Training Institute to provide training and/or training assistance. Of the above appropriation, \$500,000 shall be used for Boeing Space Laboratory, Huntsville, \$350,000 shall be used for the Alabama Center for Quality and Productivity and \$100,000 for Partek, Phenix City.

SOURCE OF FUNDS:

(1) State General Fund 1,000,000

Total Special Industrial Job Training 1,000,000 1,000,000

132. FARM CRISIS AND TRANSITION PROGRAM:

(a) Agricultural and Development
Services Program 100,000

SOURCE OF FUNDS:

(1) State General Fund 100,000

Total Farm Crisis and Transition
Program 100,000 100,000

133. GOVERNOR'S CONTINGENCY FUND:

(a) Executive Direction Program 500,000

SOURCE OF FUNDS:

(1) State General Fund 500,000

Total Governor's Contingency Fund ...	500,000	500,000
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The above appropriation to the Governor's Contingency Fund shall be expended solely for expenses directly related to the operation of the Governor's Office and the Governor's mansions.

2D. OTHER FUNCTIONS OF GOVERNMENT FUNDED FROM THE STATE GENERAL FUND:

1. ADVERTISING LANDS FOR TAX SALE:

(a) State Revenue Administration Program, Estimated		60,000
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SOURCE OF FUNDS:

(1) State General Fund	60,000	
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As provided in Section 40-10-22, Code of Alabama 1975.

Total Advertising Lands for Tax Sale	60,000	60,000
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2. ARREST OF ABSCONDING FELONS:

(a) Criminal Investigation Program, Estimated		65,000
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SOURCE OF FUNDS:

(1) State General Fund	65,000	
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As provided in Section 15-9-3, Code of Alabama 1975.

Total Arrest of Absconding Felons	65,000	65,000
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3. COSTS FOR REAPPORTIONMENT:

(a) Reapportionment Legal Advice and Legal Services Program, Estimated		50,000
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(b) Technical Services Related to Reapportionment		100,000
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SOURCE OF FUNDS:

(1) State General Fund	150,000	
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Total Costs for Reapportionment Program	150,000	150,000
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4. AUTOMATIC APPEAL EXPENSE:

(a) Legal Advice and Legal Services Program, Estimated		100
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SOURCE OF FUNDS:

(1) State General Fund	100	
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As provided in Section 12-22-150 and
Section 12-22-241, Code of Alabama
1975.

Total Automatic Appeal Expense	100	100
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5. CIVIL COURT COSTS IN CON-
NECTION WITH AD VALOREM
TAX ASSESSMENTS APPEALS:

(a) State Revenue Administration Program, Estimated		200
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SOURCE OF FUNDS:

(1) State General Fund	200	
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As provided in Section 40-7-45, Code
of Alabama 1975.

Total Civil Court Costs in Connection with Ad Valorem Tax Assessments Appeals	200	200
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6. CONSUMER UTILITY RATE
HEARING:

(a) Executive Direction Program		250,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	250,000	
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As provided in Section 37-1-18 Code
of Alabama 1975.

Total Consumer Utility Rate Hearing	250,000	250,000
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7. COURT RELATED COSTS NOT
OTHERWISE PROVIDED FOR:

(a) Court-Assessed Costs Provided in <u>Code of Alabama</u> 1975, Section 22- 52-14 and Act 87-574, Estimated		500,000
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(b) Legal Advice and Legal Services Program.		
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It is the intent of the Legislature that
the appropriation in this subsection
be expended for Court Costs to in-
clude costs of depositions, witness
fees and expenses, filing and docket
fees, court reporters, court judg-
ments, attorneys fees, out-of-court
settlements, and other expenses or-
dered by the court or normally iden-
tified as costs of court, when any of
the above is approved by the Attor-
ney General.

500,000

SOURCE OF FUNDS:

(1) State General Fund, Estimated	500,000	
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(2) State General Fund	500,000	
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Total Court Costs Not Otherwise Provided for	1,000,000	1,000,000
8. COURT COSTS-ACT NO. 558, 1957:		
(a) Court Operations Program, Estimated		500
SOURCE OF FUNDS:		
(1) State General Fund	500	
Pursuant to Act No. 558, 1957, page 777.		
Total Court Costs-Act No. 558, 1957	500	500
9. DISTRIBUTION OF PUBLIC DOCUMENTS:		
(a) Administrative Support Services Program, Estimated		80,000
SOURCE OF FUNDS:		
(1) State General Fund	80,000	
As provided in Sections 41-21-8, 36-14-1, and 36-14-11, <u>Code of Alabama 1975</u> .		
Total Distribution of Public Documents	80,000	80,000
10. STATE DOCKS TRANSFER		3,500,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	3,500,000	
The above appropriation to the State Docks shall be conditional upon the availability of funds and shall remain in the State General Fund until a demonstrated need is determined and recommended by the Finance Director and approved by the Governor.		
Total State Docks Transfer	3,500,000	3,500,000
11. ELECTION EXPENSES:		
(a) Special Services Program, Estimated		935,000
(b) Training of Election Officials, Estimated		65,000
For payment of expenses pursuant to the court order entered by the U.S. District Court, Middle District of Alabama in Civil Action No. 84-T-595-N.		
SOURCE OF FUNDS:		
(1) State General Fund	1,000,000	

As provided in Section 17-4-153, Code of Alabama 1975.

Total Election Expenses	1,000,000	1,000,000
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12. EMERGENCY FUND, DEPARTMENTAL:

(a) Special Services Program		1,500,000
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SOURCE OF FUNDS:

(1) State General Fund	1,500,000	
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This is the appropriation contemplated in Section 41-4-94, Code of Alabama 1975, and shall be the only amount appropriated and the total amount expended under the provisions of said section. This appropriation shall be expended solely for the purpose of addressing a financial emergency within a state department, board, commission, bureau, office, or agency. None of the above appropriation may be transferred to the Governor's Contingency Fund.

None of the above appropriation may be used to fund any state department, fund, board, commission, bureau, office, or agency that has not been appropriated funds from any source under the provisions of this act.

Total Departmental Emergency Fund	1,500,000	1,500,000
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13. FEEDING OF PRISONERS:

(a) Institutional Services-Corrections Program, Estimated		3,000,000
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SOURCE OF FUNDS:

(1) State General Fund	3,000,000	
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For expenses of feeding prisoners in county jails in accordance with Section 14-6-42, Code of Alabama 1975.

Total Feeding of Prisoners	3,000,000	3,000,000
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14. DEPARTMENT OF FINANCE-EMPLOYEES' SUGGESTION AWARDS PROGRAM:

(a) Fiscal Management Program		15,000
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SOURCE OF FUNDS:

(1) State General Fund	15,000	
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In accordance with Section 36-1-7, Code of Alabama 1975.

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Total Department of Finance-Employees' Suggestion Awards Program	15,000	15,000
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15. DEPARTMENT OF FINANCE-FEMA:		
(a) Readiness and Recovery Program, Estimated		1,100,000
Payments of the State's share of administrative costs and matching grants furnished by the Federal Emergency Management Agency.		
SOURCE OF FUNDS:		
(1) State General Fund	1,100,000	
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Total Department of Finance-FEMA	1,100,000	1,100,000
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16. FOREST FIRE FUND, EMERGENCY:		
(a) Forest Resources Protection Program		180,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	180,000	
As provided by Section 9-3-10.1, <u>Code of Alabama 1975</u> .		
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Total Emergency Forest Fire Fund	180,000	180,000
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17. GOVERNOR'S CONFERENCE, NATIONAL:		
(a) Executive Direction Program		135,760
SOURCE OF FUNDS:		
(1) State General Fund	135,760	
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Total National Governor's Conference	135,760	135,760
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18. GOVERNOR'S COUNCILLOR:		
(a) Executive Direction Program, Estimated		26,000
SOURCE OF FUNDS:		
(1) State General Fund	26,000	
As provided in Section 36-13-13, <u>Code of Alabama 1975</u> .		
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Total Governor's Councillor	26,000	26,000
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19. GOVERNOR'S PROCLAMATION EXPENSES:		
(a) Executive Direction Program, Estimated		200,000
SOURCE OF FUNDS:		
(1) State General Fund	200,000	

As provided in Section 17-14-21, Code of Alabama 1975.

Total Governor's Proclamation Expenses	200,000	200,000
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20. GOVERNORS' WIDOWS RETIREMENT:

(a) Executive Direction Program, Estimated		14,400
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SOURCE OF FUNDS:

(1) State General Fund	14,400	
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As provided in Section 36-13-12, Code of Alabama 1975.

Total Governors' Widows Retirement	14,400	14,400
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21. INTERPRETER'S ACCOUNT:

(a) Court Operations Program, Estimated		2,500
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SOURCE OF FUNDS:

(1) State General Fund	2,500	
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As provided in Sections 12-21-131 et seq., Code of Alabama 1975.

Total Interpreter's Account	2,500	2,500
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22. LAW ENFORCEMENT FUND:

(a) Criminal Investigation Program ...		2,500
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,500	
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As provided in Section 28-4-312, Code of Alabama 1975.

Total Law Enforcement Fund	2,500	2,500
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23. LAW ENFORCEMENT LEGAL DEFENSE:

(a) Legal Advice and Legal Services Program, Estimated		3,000
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SOURCE OF FUNDS:

(1) State General Fund	3,000	
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To carry out provisions of Section 36-21-1, Code of Alabama 1975.

Total Law Enforcement Legal Defense	3,000	3,000
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24. LIABILITY INSURANCE FUND, STATE

1,000,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,000,000	
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As provided in Section 36-1-6.1, Code of Alabama 1975.

Total State Liability Insurance Fund	1,000,000	1,000,000
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Of the above appropriation \$40,000 is hereby appropriated to the Liability Insurance Board for administrative expenses.

25. MAILING TAX NOTICES:

(a) State Revenue Administration Program, Estimated		100
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SOURCE OF FUNDS:

(1) State General Fund	100	
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As provided in Section 40-7-25, Code of Alabama 1975.

Total Mailing Tax Notices	100	100
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26. MILITARY-EMERGENCY ACTIVE DUTY PAY:

(a) Military Operations Program, Estimated		200,000
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SOURCE OF FUNDS:

(1) State General Fund	200,000	
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As provided in Section 31-2-85, Code of Alabama 1975.

Total Military-Emergency Active Duty Pay	200,000	200,000
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27. POLICEMAN'S SURVIVOR TUITION ACT:

(a) Support of Other Educational Activities Program, Estimated		15,000
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SOURCE OF FUNDS:

(1) State General Fund	15,000	
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As provided in Sections 36-21-95 through 36-21-99, Code of Alabama 1975.

Total Policeman's Survivor Tuition Act	15,000	15,000
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28. PRESIDENTIAL ELECTORAL EXPENSE:

(a) Administrative Support Services Program, Estimated		2,000
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SOURCE OF FUNDS:

(1) State General Fund	2,000	
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As provided in Section 17-19-8, Code of Alabama 1975.

Total Presidential Electoral Expense ..	2,000	2,000
29. PRINTING OF CODE SUPPLEMENTS-LEGISLATIVE REFERENCE SERVICE:		
(a) Legislative Operations and Support Program, Estimated		500,000
SOURCE OF FUNDS:		
(1) State General Fund	500,000	
As provided in Section 29-7-6, <u>Code of Alabama 1975</u> .		
Total Printing of Code Supplements-Legislative Reference Service	500,000	500,000
30. PRINTING CODES AND SUPPLEMENTS-SECRETARY OF STATE:		
(a) Administrative Support Services Program, Estimated		165,000
SOURCE OF FUNDS:		
(1) State General Fund	165,000	
As provided in Sections 41-21-1 and 41-21-154, <u>Code of Alabama 1975</u> .		
Total Printing Codes and Supplements-Secretary of State	165,000	165,000
31. PRINTING OF LEGISLATIVE ACTS AND JOURNALS:		
(a) Administrative Support Services Program, Estimated		500,000
SOURCE OF FUNDS:		
(1) State General Fund	500,000	
As provided in Sections 41-4-130 through 41-4-161, <u>Code of Alabama 1975</u> .		
Total Printing of Legislative Acts and Journals	500,000	500,000
32. PRINTING OF STATE AND COUNTY PRIVILEGE LICENSES:		
(a) State Revenue Administration Program, Estimated		25,000
SOURCE OF FUNDS:		
(1) State General Fund	25,000	

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Total Printing of State and County Privilege Licenses	25,000	25,000
33. REGISTRATION OF VOTERS:		
(a) Special Services Program, Estimated		1,000,000
SOURCE OF FUNDS:		
(1) State General Fund	1,000,000	
In accordance with Sections 17-4-126 and 17-4-153, <u>Code of Alabama 1975.</u>		
Total Registration of Voters	1,000,000	1,000,000
34. REMOVAL OF PRISONERS:		
(a) Administrative Services and Logistical Support Program, Estimated		300,000
SOURCE OF FUNDS:		
(1) State General Fund	300,000	
As provided in Sections 15-10-70 through 15-10-73 and 15-9-62, 15-9-65, and 15-9-81, <u>Code of Alabama 1975.</u>		
Total Removal of Prisoners	300,000	300,000
35. STATE GENERAL FUND, ESTIMATED		57,000,000
SOURCE OF FUNDS:		
(1) Heritage Trust Income Fund Transfer, Estimated	57,000,000	
All income other than income realized on sale of Trust Fund assets and not otherwise appropriated herein.		
Total State General Fund, Estimated	57,000,000	57,000,000
36. STATE TREASURER-PREVIOUS YEAR'S UNPAID WARRANTS:		
(a) Special Services Program, Estimated		200,000
SOURCE OF FUNDS:		
(1) State General Fund	200,000	
As provided in Section 41-4-60, <u>Code of Alabama 1975.</u>		
Total State Treasurer-Previous Year's Unpaid Warrants	200,000	200,000
37. REPAYMENT-ACT 86-645 FUND NO. 305735		7,000,000
Notwithstanding the provisions of Act #87-761 or any other law to the contrary, the above appropriation shall		

be conditioned on the availability of funds in the State General Fund and upon the approval of the Governor.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	7,000,000	
Total Repayment-Act 86-645 Fund No. 305735	7,000,000	7,000,000

2E. DEBT SERVICE FUNDED
FROM THE STATE GENERAL
FUND:

1. General Obligation Capital Improvement Bonds, Series B, Estimated		1,184,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,184,000	
Total General Obligation Capital Improvement Bonds, Series B, Estimated	1,184,000	1,184,000

2. General Obligation Coosa Waterway Bonds, Series A and B, Estimated		1,015,270
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,015,270	
Total General Obligation Coosa Waterway Bonds, Series A and B, Estimated	1,015,270	1,015,270

3. General Obligation Docks Facilities Bonds, Series A-C, Estimated		4,599,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	4,599,000	
Total General Obligation Docks Facilities Bonds, Series A-C, Estimated	4,599,000	4,599,000

4. Tennessee-Tombigbee Waterway Bonds, Series A and C-D, Estimated		3,401,367
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SOURCE OF FUNDS:

(1) State General Fund-Transfer, Estimated	3,401,367	
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Pursuant to Constitutional Amendment No. 270 as provided in Act No. 248, 1967 Regular Session.

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Total Tennessee-Tombigbee Waterway Bonds, Series A and C-D, Estimated	3,401,367	3,401,367
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5. Corrections Institution Bonds, Estimated		1,817,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer, Estimated	1,817,000	
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Pursuant to Constitutional Amendment No. 374 as provided for in Act No. 134, 1978 Second Special Session.

Total Corrections Institution Bonds, Estimated	1,817,000	1,817,000
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6. General Obligation Capital Bonds, 1982, Series A and B, and General Obligation Refunding Bonds, 1983, Series A and B, Estimated		66,665,897
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	66,665,897	
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Total General Obligation Capital Bonds, 1982, Series A and B, and General Obligation Refunding Bonds, 1983, Series A and B, Estimated	66,665,897	66,665,897
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2F. CONDITIONAL APPROPRIATIONS:

In addition to the appropriations heretofor made there is hereby appropriated to the following agencies from the State General Fund the following amounts in the following priority to be conditioned on the availability of funds in the State General Fund and the approval of the Governor:

1. Department of Finance-Capitol Renovation		3,000,000
2. Alabama Department of Economic and Community Affairs		3,000,000

State Planning Program for capital facilities to be used for scientific research conducted in the Birmingham area.

3. Public Safety, Automated Fingerprint Identification System		2,500,000
4. Department of Corrections		1,100,000

For expanded facilities at Bullock County.

5. Department of Corrections	3,213,452
In addition, the following conditional appropriations are made after the above priority items are funded conditioned only on availability of funds and approval of the Governor:	
6. Department of Finance-Capitol Renovation	6,385,000
7. Public Safety, Department of	4,576,925
8. Mental Health, Department of. For the reduction in cigarette tax revenue due to the issuance of Mental Health Bonds	4,200,000
9. Environmental Management, Department of	324,365
10. Ethics Commission	16,834
11. Farmer's Market Authority	532
12. Finance, Department of	675,139
13. Finance-Air Transportation	98,301
14. Examiners of Public Accounts	560,665
15. Legislative Reference Service	59,008
16. Department of Public Health. For the reduction in cigarette tax revenue due to the issuance of Mental Health Bonds	1,800,000
17. Governor's Office	148,752
18. Education, Department of	69,380
19. Building Commission	33,453
20. Military Department	735,053
21. Labor, Department of	21,123
22. Insurance, Department of	362,653
23. Industrial Relations, Department of	195,315
24. Emergency Management Agency	155,789
25. Law Institute, Alabama	42,333
26. Secretary of State	118,282
27. Securities Commission	184,233
28. Adjustment, Board of	100,000
29. Alabama Development Office	1,305,611
30. Farm Crisis and Transition Center	72,900
31. Forensic Sciences	283,058
32. Geological Survey	15,037
33. Governor's Mansion	7,445
34. Academy of Honor, Alabama	1,531
35. Cahawba Advisory Committee	382

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36. Elk River Development Agency ...	171
37. Gorgas Memorial Board	3,210
38. Motor Sports Hall of Fame	20,766
39. TVA Exhibit Commission	250,000
40. Women's Commission, Alabama ..	399
41. Governor's Proclamation Expense	50,000
42. Election Expenses	1,500,000
43. Finance-Telephone Revolving Fund	188,895
44. Oil and Gas Board	4,860
45. Soil and Water Conservation	495
46. Southern Growth Policies Board	1,113
47. Treasurer	2,982
48. Veterans' Affairs	5,126
49. Auditor's Office	39,591
50. Youth Services	236,931
51. Departmental Emergency Fund ...	500,000
52. Fair Trial Tax Transfer	500,000
53. Department of Finance-FEMA	200,000
54. Military Emergency Active Duty Pay	100,000
55. Policeman's Survivor Tuition Act	15,000
56. Registration of Voters	660,000
57. Legislative Fiscal Office	92,462
58. State Treasurer-Previous Year Unpaid Warrant	75,000
59. Advertising Lands For Tax	55,000
60. Conservation and Natural Resources	1,092,813
61. Economic and Community Affairs	1,340,000
62. Governor's Mansion Advisory Board-Capital Outlay	250,363
63. Alabama Trust Fund Board	200,000
64. District Attorneys	102,571
65. Feeding of Prisoners	1,000,000

SECTION 3. That, except as may be herein otherwise provided, amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Sections 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Sections 41-19-1 et

seq., Code of Alabama 1975, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Sections 41-4-80 et seq., Code of Alabama 1975, and the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975.

SECTION 4. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission, or agency is insufficient to pay salaries in that office, department, bureau, board, commission or agency.

SECTION 5. In addition to appropriations herein made, all gifts, grants, contributions, or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Notwithstanding any laws to the contrary, any receipts during fiscal year 1988-89 which exceed an amount of up to 1% of such fiscal year state revenue receipts or up to \$100,000, whichever is greater, to any state fund or from any state revenue source that exceed the amount appropriated by this Act to any state fund, department, agency, division, board, bureau, commission, institution, or office with the exception of revenue to the Real Estate Commission; the Board of Cosmetology; the Department of Finance-Data Systems Management; Telephone Revolving Fund; Alabama Building Finance Authority; Capitol Complex Maintenance and Repair; Alabama Building Authority; Central Mail and Supply; Motor Pool; and Printing and Publications; Alabama Manufactured Housing Commission; and funds constitutionally earmarked for construction and maintenance of public roads and bridges shall be transferred to the State General Fund within thirty (30) days after September 30, 1989. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 6. Under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, any interest earned by the State thereon, together with any accruals or reversions accruing from Revenue Sharing Investments are hereby appropriated to the State General Fund. In the event that \$7,000,000 is repaid to the Revenue Sharing Account during FY 1988-89, any interest earned on that \$7,000,000 shall be appropriated to the Governor's Contingency Fund.

SECTION 7. All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized in Section 41-4-93, Code of Alabama 1975, shall lapse on September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the State General Fund or the trust fund from which the appropriation or appropriations were made.

SECTION 8. The appropriations made herein to the departments, boards, offices, commissions, and agencies include the amount necessary and said departments, boards, offices, commissions, and agencies are hereby directed to make the

transfer of funds to the State Personnel Department in the amounts enumerated in Section 2C, Subsection 97.

SECTION 9. That, if any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 10. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

SECTION 11. That each Department of the State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

SECTION 12. That this Act shall become effective October 1, 1988.

SUBSTITUTE TABLED

On motion of Rep. Harper, the substitute was tabled.

Yeas 96; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghy.

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SUBSTITUTE OFFERED

Rep. Harper offered the following substitute to the bill, H. 9:

A BILL TO BE ENTITLED AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1989.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. The monies in Section 2 are appropriated from the named funds for the 1988-89 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the totals for all programs are shown by the source of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

- (a) "Appropriation Total" shall mean the aggregate total of all fund sources.
- (b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries.
- (c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.
- (d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.

SECTION 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State and for the principal and interest on the public debt for the fiscal year ending September 30, 1989, and for other functions of government to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Sections 41-19-1 through 12, Code of Alabama 1975. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

Fund Sources Included In Appropriation Total			
	General Fund	Trust Funds	Appropriation Total
2A. LEGISLATIVE:			
1. EXAMINERS OF PUBLIC ACCOUNTS, DEPARTMENT OF:			
(a) Legislative Support-Audit Services Program			8,425,687
SOURCE OF FUNDS:			
(1) State General Fund	8,225,687		
(2) Federal Funds		200,000	
Total Department of Examiners of Public Accounts	8,225,687	200,000	8,425,687
2. LEGISLATIVE COUNCIL:			
(a) Legislative Operations and Support Program			212,200
SOURCE OF FUNDS:			
(1) State General Fund	212,200		

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Pursuant to Section 29-6-1 et seq., Code of Alabama 1975.

Total Legislative Council	212,200	212,200
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3. LEGISLATIVE FISCAL OFFICE:

(a) Legislative Operations and Support Program (to include program review and evaluation)		948,809
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SOURCE OF FUNDS:

(1) State General Fund	948,809	
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Total Legislative Fiscal Office	948,809	948,809
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4. LEGISLATIVE REFERENCE SERVICE:

(a) Legislative Operations and Support Program		1,094,243
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SOURCE OF FUNDS:

(1) State General Fund	1,094,243	
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Total Legislative Reference Service	1,094,243	1,094,243
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5. LEGISLATURE:

(a) Legislative Operations and Support Program		8,898,709
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It is the intent of the Legislature that (1) the above appropriation shall include funds for the necessary technical expenses associated with reapportionment (2) that at least \$50,000 shall be allocated for the Senate Finance and Taxation Committee, the Office of the Senate Pro Tempore and the Senate Rules Committee and (3) that at least \$50,000 shall be allocated for the Ways and Means Committee, the House Rules Committee, and the Speaker of the House Office. The appropriation to the Legislature shall be expended under the provisions set forth in Section 29-1-22, Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund	8,798,709	
(2) Public Service Commission Operating Fund-Transfer		100,000

The above transfer from the Public Service Commission Operating Fund is hereby authorized pursuant to Section 29-1-22, Code of Alabama 1975.

Total Legislature	8,798,709	100,000	8,898,709
6. LEGISLATURES, NATIONAL CONFERENCE OF STATE:			
(a) Legislative Operations and Support Program			72,667
SOURCE OF FUNDS:			
(1) State General Fund	72,667		
Total National Conference of State Legislatures	72,667		72,667
2B. JUDICIAL:			
1. COURT OF CIVIL APPEALS:			
(a) Court Operations Program			1,156,729
SOURCE OF FUNDS:			
(1) State General Fund	1,156,729		
Total Court of Civil Appeals	1,156,729		1,156,729
2. COURT OF CRIMINAL AP- PEALS:			
(a) Court Operations Program			1,729,106
SOURCE OF FUNDS:			
(1) State General Fund	1,729,106		
Total Court of Criminal Appeals	1,729,106		1,729,106
3. JUDICIAL INQUIRY COMMISS- SION:			
(a) Administrative Services Program			103,990
SOURCE OF FUNDS:			
(1) State General Fund	103,990		
Total Judicial Inquiry Commission	103,990		103,990
4. JUDICIAL RETIREMENT FUND:			
(a) Retirement Systems Program			1,524,500
SOURCE OF FUNDS:			
(1) State General Fund	1,524,500		
Total Judicial Retirement Fund	1,524,500		1,524,500
5. SUPREME COURT:			
(a) Court Operations Program			4,455,494
SOURCE OF FUNDS:			
(1) State General Fund	4,455,494		

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Total Supreme Court	4,455,494		4,455,494
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6. UNIFIED JUDICIAL SYSTEM:

(Administrative Office of Courts)

(a) Court Operations Program			57,675,108
(b) Administrative Services Program			3,550,000
(c) DUI Referral Program			101,000
(d) Fringe Benefit Program, Estimated			300,000

SOURCE OF FUNDS:

(1) State General Fund	61,148,108		
(2) State General Fund-Social Security-County Judicial, Estimated	300,000		
(3) Clerks and Registers Supernumerary Fund		178,000	
Total Unified Judicial System	61,448,108	178,000	61,626,108

2C. EXECUTIVE:

1. ACADEMY OF HONOR, ALABAMA:

(a) Historical Resources Management Program			1,784
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SOURCE OF FUNDS:

(1) State General Fund	1,784		
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As provided in Section 41-11-6, Code of Alabama 1975, and an additional amount.

Total Alabama Academy of Honor	1,784		1,784
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2. ACCOUNTANCY, ALABAMA STATE BOARD OF PUBLIC:

(a) Professional and Occupational Licensing and Regulation Program			341,699
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SOURCE OF FUNDS:

(1) Alabama State Board of Public Accountancy Fund		341,699	
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As provided in Section 34-1-22, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.

Total Alabama State Board of Public Accountancy	341,699	341,699
3. ADJUSTMENT, BOARD OF:		
(a) Special Services Program		222,400
SOURCE OF FUNDS:		
(1) State General Fund	11,200	
For the State General Fund Contribution to the total expenditure of \$750,000 pursuant to Section 41-9-73, Code of Alabama 1975.		
(2) State General Fund, Estimated	200,000	
For expenditures as provided in Section 31-3-2 and Section 36-30-2, Code of Alabama 1975.		
(3) State General Fund-Administrative Costs	11,200	
Total Board of Adjustment	222,400	222,400
4. AERONAUTICS, DEPARTMENT OF:		
(a) Airport Development and Aeronautical Support Program		867,986
SOURCE OF FUNDS:		
(1) Airport Development Fund	867,986	
As provided by Section 4-2-42, Code of Alabama 1975.		
Total Department of Aeronautics	867,986	867,986
5. AGING, COMMISSION ON:		
(a) Planning and Advocacy for the Elderly Program		16,811,890
(b) Medicaid Waiver Services Program		6,346,725
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	1,445,701	
(2) State General Fund-Transfer Medicaid Waiver	1,770,580	
(3) Federal, Local and Miscellaneous Funds	19,942,334	
Total Commission on Aging	3,216,281	23,158,615
The Commission on Aging shall contract with the existing Regional Planning Commissions or Councils of Local Governments and/or Area Agencies on Aging to provide services for one-third of the State's present and future client slots for the		

program known as the "Medicaid Waiver Services Program-Home and Community-Based Waiver for the Elderly and Disabled". The Commission on Aging shall not withdraw Area Agency on Aging designations or alter the funding relationships with existing Area Agencies on Aging and Regional Planning Development Commissions.

6. AGRICULTURAL AND CONSERVATION DEVELOPMENT COMMISSION:

(a) Water Resource Development Program	2,219,926
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,149,926	
(2) Miscellaneous Funds		70,000

As provided in Section 9-8A-4.1, Code of Alabama 1975.

Total Agricultural and Conservation Development Commission	2,149,926	70,000	2,219,926
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7. AGRICULTURAL CENTER BOARD:

(a) Agricultural Development Services Program	874,749
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SOURCE OF FUNDS:

(1) State General Fund	169,354
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For expense and awarding of prizes for fairs as provided in Section 2-7-21, Code of Alabama, 1975, and other livestock shows and expositions.

(2) State General Fund-Transfer-Operations	122,603
(3) State General Fund-Transfer-Livestock Coliseum	282,982

(4) Livestock Coliseum Fund	299,810		
Total Agricultural Center Board	574,939	299,810	874,749

8. AGRICULTURE AND INDUSTRIES, DEPARTMENT OF:

(a) Administrative Services Program	2,471,546
(b) Agricultural Inspection Services Program	10,050,697
(c) Laboratory Analysis and Disease Control Program	4,017,534
(d) Agricultural Development Services Program	1,966,507

SOURCE OF FUNDS:

(1) State General Fund-Transfer	7,694,380		
(2) Federal, Local and Miscellaneous Funds		2,295,904	
(3) Shipping Point Inspection Fund ..		4,228,805	

Pursuant to Sections 2-9-20 et seq.,
Code of Alabama 1975. All fees and
charges collected by the Commis-
sioner of Agriculture and Industries
and deposited into said fund, and
such appropriation to the Depart-
ment of Agriculture and Industries
shall include all fees and charges col-
lected and deposited therein for
Shipping Point Inspection grading
and classification services for agri-
cultural products including services
furnished for weighing and issuing
weight certificates to be used for the
sale of agricultural commodities.

(4) Agricultural Fund		4,287,195	
Total Department of Agriculture and Industries	7,694,380	10,811,904	18,506,284

8A. AGRICULTURAL AND IN-
DUSTRIAL EXHIBIT COMMIS-
SION, ALABAMA:

(a) Agricultural Development Services Program			50,000
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SOURCE OF FUNDS:

(1) State General Fund	50,000		
Total Agricultural and Industrial Ex- hibit Commission	50,000		50,000

9. ALABAMA TRUST FUND
BOARD:

(a) Administrative Program			35,886
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	35,886		
Total Alabama Trust Fund Board	35,886		35,886

10. ALCOHOLIC BEVERAGE
CONTROL BOARD, ALABAMA:

(a) Alcoholic Beverage Management Program		22,029,145	
(b) Enforcement Program		5,886,000	

The level and type of services to be
provided by the Alcoholic Beverage
Control Board for the Enforcement
Program in fiscal year 1988-89 shall

not be reduced below the level of services provided in this program in fiscal year 1987-88.

(c) Administrative Services Program

4,044,840

Any other provision of law to the contrary notwithstanding, the appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the Department of Mental Health and Mental Retardation of \$1,000,000 and a transfer to the Department of Public Health of \$4,000,000. The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer of \$200,000 to the State General Fund. The above transfers shall be made from the operating funds of the Alcoholic Beverage Control Board and shall not affect any distribution of revenue generated from the sale of alcoholic beverages.

SOURCE OF FUNDS:

(1) ABC Board Fund

31,959,985

The Alabama Alcoholic Beverage Control Board is hereby prohibited from opening any new, additional or relocated retail stores during fiscal year 1988-89 in any county that legally sells alcoholic beverages as of October 1, 1988, except in counties or municipalities that elect to go wet during said fiscal year. The sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized, such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of

malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board	31,959,985	31,959,985
11. ARCHITECTS, BOARD FOR REGISTRATION OF:		
(a) Professional and Occupational Licensing and Regulation Program		215,000
SOURCE OF FUNDS:		
(1) Fund of the Board for Registration of Architects	215,000	
As provided in Section 34-2-41, <u>Code of Alabama 1975</u> .		
Total Board for Registration of Architects	215,000	215,000
12. ARCHIVES AND HISTORY, DEPARTMENT OF:		
(a) Historical Resources Management Program		2,677,157
SOURCE OF FUNDS:		
(1) State General Fund	2,556,787	
(2) Federal Funds	120,370	
Total Department of Archives and History	2,556,787	2,677,157
13. ATTORNEY GENERAL, OFFICE OF THE:		
(a) Legal Advice and Legal Services Program		6,423,466
(b) Fair Marketing Practices Program		569,687

SOURCE OF FUNDS:

(1) State General Fund-Transfer	5,795,232		
(2) State General Fund-Transfer-Consumer Protection	513,698		
(3) Federal, Local and Miscellaneous Funds		684,223	
Total Office of the Attorney General ..	6,308,930	684,223	6,993,153

In addition to the above appropriation to the Office of the Attorney General, there is hereby appropriated the amount of \$611,000 to be conditional upon it being used solely to continue operation of a Drug Enforcement Division. Said funds will also be available for use as a state match for Federal Drug Grants and other Federal Grants; any unused funds will remain part of the overall General Fund and will not be allotted to the Office of the Attorney General.

14. AUDITOR, STATE:

(a) Fiscal Management Program		811,565	
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SOURCE OF FUNDS:

(1) State General Fund	811,565		
Total State Auditor	811,565		811,565

15. BANKING DEPARTMENT, STATE:

(a) Charter, License and Regulate Financial Institutions Program		2,828,141	
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SOURCE OF FUNDS:

(1) Banking Assessment Fees	2,522,441		
As provided in Section 5-2A-20, <u>Code of Alabama 1975</u> .			
(2) Loan Examination Fund	305,700		
As provided in Section 5-2A-24, Section 5-16-38.1, and Section 5-18-5, <u>Code of Alabama 1975</u> .			
Total State Banking Department	2,828,141		2,828,141

16. BAR ASSOCIATION, ALABAMA STATE:

(a) Professional and Occupational Licensing and Regulation Program		1,321,875	
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SOURCE OF FUNDS:

(1) State Bar Association Fund	1,186,220		
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As provided in Section 34-3-4 and Section 34-3-44, Code of Alabama 1975.

(2) Local Funds, Estimated 135,655

As provided in Sections 34-3-44, 34-3-17 and 34-3-18, Code of Alabama 1975.

Total Alabama State Bar Association	1,321,875	1,321,875
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17. BEAR CREEK DEVELOPMENT AUTHORITY:

(a) Water Resource Development Program	54,535
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SOURCE OF FUNDS:

(1) State General Fund	54,535
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Total Bear Creek Development Authority	54,535	54,535
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18. BUILDING COMMISSION, STATE:

(a) Special Services Program	1,193,405
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	792,595
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(2) Federal, Local and Miscellaneous Funds	400,810
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Total State Building Commission	792,595	400,810	1,193,405
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19. CAHAWBA ADVISORY COMMITTEE:

(a) Historical Resources Management Program	9,550
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SOURCE OF FUNDS:

(1) State General Fund	9,550
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Total Cahawba Advisory Committee ..	9,550	9,550
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20. CHILD ABUSE AND NEGLECT PREVENTION BOARD:

(a) Social Services Program	451,909
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In accordance with Sections 26-16-1 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	275,000
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(2) Children's Trust Fund, Estimated	176,909
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Total Child Abuse and Neglect Prevention Board	275,000	176,909	451,909
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21. CHIROPRACTIC EXAMINERS, ALABAMA STATE BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program			75,750
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SOURCE OF FUNDS:

(1) Alabama State Board of Chiropractic Examiner's Fund		75,750	
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As provided in Section 34-24-143, Code of Alabama 1975.

Total Alabama State Board of Chiropractic Examiners		75,750	75,750
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22. CONSERVATION AND NATURAL RESOURCES, DEPARTMENT OF:

(a) State Land Management Program			610,000
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(b) Outdoor Recreation Sites and Services Program			23,486,000
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(c) Marine Police Program			3,309,946
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(d) Wildlife Game and Fish Program			12,835,500
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(e) Marine Resources Program			2,072,000
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Of the above appropriation, \$50,000 shall be used for the oyster planting program.

(f) Land and Water Conservation Program			1,200,000
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(g) Administrative Services Program			2,648,399
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The appropriation to the Department of Conservation and Natural Resources shall include Alabama's pro rata share of the Gulf States Marine Fisheries Commission operation expenses. The appropriation to the Department of Conservation and Natural Resources includes funds for the maintenance, staff and repair of the Governor's official beach mansion.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	636,000		
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(2) Game and Fish Fund		12,835,500	
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(3) State Lands Fund		610,000	
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The funds hereinabove appropriated from the State Lands Fund includes

funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.

(4) Marine Resources Fund 2,022,000

In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division programs or projects which he deems appropriate.

(5) Marine Police Fund 3,309,946

(6) State Parks Fund 300,000

(7) Parks Revolving Fund 21,800,000

(8) Administrative Funds 2,648,399

The funds hereinabove appropriated shall be payable as provided in Section 9-2-1 et seq., Code of Alabama 1975.

(9) Cigarette Tax 800,000

(10) Federal Land and Water Fund ... 1,200,000

Total Department of Conservation and Natural Resources	636,000	45,525,845	46,161,845
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23. CONTRACTORS, STATE LICENSING BOARD FOR GENERAL:

(a) Professional and Occupational Licensing and Regulation Program 401,122

SOURCE OF FUNDS:

(1) State Licensing Board for General Contractors Fund 401,122

Pursuant to Section 34-8-25, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

Total State Licensing Board for General Contractors	401,122	401,122
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24. CORRECTIONS, DEPARTMENT OF:

- | | |
|--|-------------|
| (a) Administrative Services and Logistical Support Program | 9,243,083 |
| (b) Institutional Services Corrections Program | 100,987,991 |
| (c) Correctional Agricultural and Industries Program | 19,949,300 |

The Department of Corrections shall not utilize any portion of its State General Fund appropriation to support the Correctional Industries Program, for either the agribusiness element or the industries element.

- | | |
|--|-----------|
| (d) Transfer to State General Fund from the Correctional Industries Revolving Fund | 1,500,000 |
|--|-----------|

Notwithstanding any other law to the contrary and specifically including Section 5 of Act No. 87-715, it is further the intent of the Legislature that in accordance with Section 14-7-20 of the Code of Alabama, 1975, that this transfer be made.

SOURCE OF FUNDS:

- | | |
|---------------------------------------|-------------|
| (1) State General Fund-Transfer | 107,431,074 |
| (2) Department of Corrections Fund | 24,249,300 |

The above amount shall include \$1,500,000 to be transferred from the Correctional Industries Revolving Fund to the State General Fund.

The Commissioner of the Department of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Department of Corrections. Any such grant funds so generated and in direct support of the Department of Corrections' operations are also hereby appropriated.

Total Department of Corrections	107,431,074	24,249,300	131,680,374
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In addition to the above appropriation to the Department of Corrections, there is hereby conditionally appropriated from the State General Fund

\$1,100,000 for expanded facilities at Bullock County and \$6,200,000 for prisons at Clayton and Clio, to be conditioned upon the availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

25. COSMETOLOGY, ALABAMA
BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program 667,590

SOURCE OF FUNDS:

(1) Alabama Board of Cosmetology Fund 667,590

As provided in Section 34-7-42, Code of Alabama 1975.

Total Alabama Board of Cosmetology	667,590	667,590
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26. COUNSELING, ALABAMA
BOARD OF EXAMINERS IN:

(a) Professional and Occupational Licensing and Regulation Program 58,700

SOURCE OF FUNDS:

(1) Alabama Board of Examiners in Counseling Fund 58,700

As provided in Section 34-8A-6, Code of Alabama 1975.

Total Alabama Board of Examiners in Counseling	58,700	58,700
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27. CREDIT UNION ADMINIS-
TRATION, ALABAMA:

(a) Charter, License and Regulate Financial Institutions Program 400,700

SOURCE OF FUNDS:

(1) Alabama Credit Union Administration Fund 400,700

As provided in Section 5-17-7, Code of Alabama 1975.

Total Alabama Credit Union Administration	400,700	400,700
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28. CRIME VICTIMS COMPEN-
SATION COMMISSION, ALA-
BAMA:

(a) Special Services Program, Estimated 416,606

SOURCE OF FUNDS:

(1) Alabama Crime Victims Compensation Commission Fund, Estimated 416,606

To be expended in accordance with
Sections 15-23-1 et seq., Code of Ala-
bama 1975.

Total Alabama Crime Victims Com- pensation Commission	416,606	416,606
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29. CRIMINAL JUSTICE INFOR-
MATION CENTER, ALABAMA:

(a) Criminal Justice Information Services Program		3,666,419
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,820,503	
(2) Federal, Local, and Miscellaneous Funds	845,916	

Total Alabama Criminal Justice Infor- mation Center	2,820,503	845,916	3,666,419
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30. DEVELOPMENT OFFICE,
ALABAMA:

(a) Promotional Development Pro- gram-Alabama Film Commission ...		250,000
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(b) Administrative Services Program- Office of Minority Business		95,500
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(c) Industrial Development Program- Alabama Development Office		4,348,309
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(d) Alabama Reunion		300,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer-Ala- bama Development Office	4,548,309	
(2) State General Fund-Transfer-Of- fice of Minority Business	95,500	
(3) State General Fund-Transfer-Ala- bama Film Commission	250,000	
(4) Federal, Local and Miscellaneous Funds	100,000	

Total Alabama Development Office	4,893,809	100,000	4,993,809
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31. DISTRICT ATTORNEYS:

(a) Court Operations Program		12,071,127
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The proposed spending plan included
in the above total is as follows:

Salaries of District
Attorneys 2,331,897

Salary of elected Deputy District At-
torney of the Bessemer Division of
the 10th Judicial Circuit 57,045

For the use of the elected Assistant
District Attorney of the Bessemer

Division of the 10th Judicial Circuit	136,393
Salaries and expenses of Supernumerary District Attorneys	1,030,750
For use in the District Attorney's Office of the following Judicial Circuits:	
1st Judicial Circuit	120,568
2nd Judicial Circuit	136,261
3rd Judicial Circuit	189,349
4th Judicial Circuit	417,957
5th Judicial Circuit	385,013
6th Judicial Circuit	298,183
7th Judicial Circuit	241,397
8th Judicial Circuit	180,822
9th Judicial Circuit	161,132
10th Judicial Circuit	451,552
11th Judicial Circuit	129,936
12th Judicial Circuit	277,388
13th Judicial Circuit	493,642
14th Judicial Circuit	133,803
15th Judicial Circuit	422,423
16th Judicial Circuit	253,380
17th Judicial Circuit	134,374
18th Judicial Circuit	233,389
19th Judicial Circuit	171,909
20th Judicial Circuit	203,906
21st Judicial Circuit	154,027
22nd Judicial Circuit	134,732
23rd Judicial Circuit	336,879
24th Judicial Circuit	127,765
25th Judicial Circuit	122,277
26th Judicial Circuit	218,520
27th Judicial Circuit	169,983
28th Judicial Circuit	210,490
29th Judicial Circuit	230,734
30th Judicial Circuit	223,260
31st Judicial Circuit	125,492
32nd Judicial Circuit	161,680
33rd Judicial Circuit	159,483
34th Judicial Circuit	110,714
35th Judicial Circuit	105,562
36th Judicial Circuit	107,219
37th Judicial Circuit	214,054

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38th Judicial Circuit	162,133
39th Judicial Circuit	132,213
Travel Expense of District Attorneys	75,000
Investigators Subsistence-Section 36-21-2, <u>Code of Alabama</u> 1975	196,441

SOURCE OF FUNDS:

(1) State General Fund	12,071,127	
Total District Attorneys	12,071,127	12,071,127

32. ECONOMIC AND COMMUNITY AFFAIRS, ALABAMA DEPARTMENT OF:

(a) Administrative Support Services Program	4,460,955
(b) Planning Program	36,853,423
Of the above appropriation, \$2,000,000 shall be allocated for capital facilities to be used for scientific research conducted in the Birmingham area.	
(c) Special Services Program	18,941,180
(d) Skills Enhancement and Employment Opportunities Program	60,914,952
(e) Energy Management Program	14,746,929
(f) Traffic Control and Accident Prevention Program	3,186,905
(g) Law Enforcement Planning and Development Program	3,303,226
(h) Surplus Property Program	1,310,000
(i) Regional Planning Commission	300,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer	7,233,079		
(2) Federal, Local and Miscellaneous Funds		131,493,354	
(3) Administrative Transfers		3,981,137	
(4) Administrative Transfers from Federal Donated Surplus Property Sales		700,000	
(5) Administrative Transfers from State-Owned Surplus Property Sales		610,000	
Total Alabama Department of Economic and Community Affairs	7,233,079	136,784,491	144,017,570

33. ELECTRICAL CONTRACTORS, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	93,000
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SOURCE OF FUNDS:

(1) Electrical Contractors Board Fees	93,000
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As provided in Section 34-36-17, Code of Alabama 1975.

Total Board of Electrical Contractors	93,000	93,000
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34. ELK RIVER DEVELOPMENT AGENCY:

(a) Water Resource Development Program		4,265
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SOURCE OF FUNDS:

(1) State General Fund	4,265	
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Total Elk River Development Agency	4,265	4,265
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35. EMERGENCY MANAGEMENT AGENCY:

(a) Readiness and Recovery Program	4,980,194
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(b) Transfer to County Emergency Management Agencies	350,000
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The above appropriation of \$350,000 is to be in addition to the regular allocations to county emergency management agencies.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,066,148
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(2) Federal, Local and Miscellaneous Funds	4,264,046
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Total Emergency Management Agency	1,066,148	4,264,046	5,330,194
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36. ENERGY BOARD, SOUTHERN STATES:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geological Research and Topographic Mapping Program	27,149
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SOURCE OF FUNDS:

(1) State General Fund	27,149
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Total Southern States Energy Board	27,149	27,149
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37. ENGINEERS AND LAND SURVEYORS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL:

(a) Professional and Occupational Licensing and Regulation Program	397,100
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SOURCE OF FUNDS:

(1) Professional Engineers' Fund	397,100
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As provided in Section 34-11-36, Code of Alabama 1975.

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Total State Board of Registration for Professional Engineers and Land Surveyors	397,100	397,100	
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38. ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF:			
(a) Environmental Management Program		43,429,034	
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	4,345,745		
(2) State General Fund-Transfer to Water Pollution Control Authority	2,700,000		
(3) State General Fund-Transfer to Tire Recycling Center	25,000		
(4) Environmental Management Fees		2,128,350	
As provided in Section 22-22A-11, <u>Code of Alabama</u> 1975.			
(5) Federal, Local and Miscellaneous Funds		6,669,939	
(6) Federal Match-Water Pollution Control Authority		27,160,000	
(7) Transfer from Underground Storage Tank Trust Fund-Act 88-378 ...		400,000	
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Total Department of Environmental Management	7,070,745	36,358,289	43,429,034
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39. ETHICS COMMISSION, ALABAMA:			
(a) Regulation of Public Officials and Employees Program		307,679	
SOURCE OF FUNDS:			
(1) State General Fund	307,679		
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Total Alabama Ethics Commission ...	307,679		307,679
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40. FARMERS' MARKET AUTHORITY:			
(a) Agricultural Development Services Program		268,256	
SOURCE OF FUNDS:			
(1) State General Fund-Transfer for Administration	94,374		
(2) Farmers' Market Authority Administration-Transfer from Capital Outlay Account		36,941	
(3) Farmers' Market Authority Fund-Revenue and Capital Outlay Account		136,941	

Total Farmers' Market Authority	94,374	173,882	268,256
41. FINANCE, DEPARTMENT OF:			
(a) Fiscal Management Program			3,465,671
(b) Administrative Support Services Program			4,052,907
(c) Capitol Police-Equipment			41,000
SOURCE OF FUNDS:			
(1) State General Fund	7,509,578		
(2) Miscellaneous Funds		50,000	
Total Department of Finance	7,509,578	50,000	7,559,578
42. FINANCE, DEPARTMENT OF- AIR TRANSPORTATION:			
(a) Administrative Support Services Program			1,892,270
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	1,148,487		
(2) Departmental Receipts		743,783	
Total Department of Finance-Air Transportation	1,148,487	743,783	1,892,270
43. FINANCE, DEPARTMENT OF- ALABAMA BUILDING AU- THORITY:			
(a) Administrative Support Services Program			1,397,605
(b) Asbestos Removal and Renovation			3,075,559
SOURCE OF FUNDS:			
(1) Alabama Building Authority Op- erating Fund		4,473,164	
Total Department of Finance-Ala- bama Building Authority		4,473,164	4,473,164
44. FINANCE, DEPARTMENT OF- ALABAMA BUILDING FI- NANCE AUTHORITY:			
(a) Administrative Support Services Program			1,047,021
SOURCE OF FUNDS:			
(1) Alabama Building Finance Au- thority Operating Fund		1,047,021	
Total Department of Finance-Ala- bama Building Finance Authority ..		1,047,021	1,047,021
45. FINANCE, DEPARTMENT OF- CAPITOL COMPLEX MAINTENANCE AND REPAIR:			
(a) Administrative Support Services Program			2,642,641

SOURCE OF FUNDS:

(1) Capitol Complex Revolving Fund	2,642,641	
Total Department of Finance-Capitol Complex Maintenance and Repair	2,642,641	2,642,641

46. FINANCE, DEPARTMENT OF-
DATA CENTER OPERATING
FUND:

(a) Administrative Support Services Program		14,697,200
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SOURCE OF FUNDS:

(1) Data Center Operating Fund	14,697,200	
Total Department of Finance-Data Center Operating Fund	14,697,200	14,697,200

47. FINANCE, DEPARTMENT OF-
STATE INSURANCE FUND:

(a) Administrative Support Services Program		749,696
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SOURCE OF FUNDS:

(1) State Insurance Fund- Administrative	749,696	
As provided in Section 41-15-1 et seq., <u>Code of Alabama 1975.</u>		
Total Department of Finance-State In- surance Fund	749,696	749,696

48. FINANCE, DEPARTMENT OF-
CENTRAL MAIL AND SUPPLY:

(a) Administrative Support Services Program		4,586,954
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SOURCE OF FUNDS:

(1) Mail and Supply Revolving Fund	4,586,954	
Total Department of Finance-Central Mail and Supply	4,586,954	4,586,954

49. FINANCE, DEPARTMENT OF-
MOTOR POOL:

(a) Administrative Support Services Program		1,794,828
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SOURCE OF FUNDS:

(1) Motor Pool Revolving Fund	1,794,828	
Total Department of Finance-Motor Pool	1,794,828	1,794,828

50. FINANCE, DEPARTMENT OF-
PRINTING AND PUBLICA-
TIONS:

(a) Administrative Support Services Program		4,542,084
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SOURCE OF FUNDS:

(1) Printing and Publications Revolving Fund	4,542,084	
Total Department of Finance-Printing and Publications	4,542,084	4,542,084

51. FINANCE, DEPARTMENT OF-
TELEPHONE REVOLVING
FUND:

(a) Administrative Support Services Program	9,455,305
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,211,105	
(2) Telephone Revolving Fund	7,244,200	
Total Department of Finance-Telephone Revolving Fund	2,211,105	7,244,200
		9,455,305

52. FINANCE, DEPARTMENT OF-
DSMD SUPERCOMPUTER
FUND:

(a) Administrative Support Services Program	1,000,000
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The above appropriation is for the maintenance and operation of the Supercomputer.

SOURCE OF FUNDS:

(1) Collections from state agencies and other entities	1,000,000	
Total Department of Finance-DSMD Supercomputer Fund	1,000,000	1,000,000

53. FOREIGN TRADE RELATIONS COMMISSION:

(a) Special Services Program	100,000
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SOURCE OF FUNDS:

(1) State General Fund	100,000	
Total Foreign Trade Relations Commission	100,000	100,000

54. FORENSIC SCIENCES, DEPARTMENT OF:

(a) Forensic Science Services Program	5,836,974
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Of the above appropriation, \$200,000 shall be used to purchase DNA testing equipment, supplies, personnel costs, and training for the use of such equipment.

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(b) Capital Outlay	191,444
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For the completion of an autopsy and
morgue facility in Montgomery, Ala-
bama.

SOURCE OF FUNDS:

(1) State General Fund	5,679,501		
(2) Capital Outlay	191,444		
(3) Federal, Local and Miscellaneous Funds		157,473	
<hr/>			
Total Department of Forensic Sciences	5,870,945	157,473	6,028,418

55. FORESTERS, ALABAMA
STATE BOARD OF REGISTRA-
TION FOR:

(a) Professional and Occupational Li- censing and Regulation Program	24,500
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SOURCE OF FUNDS:

(1) Professional Foresters' Fund	24,500		
As provided in Section 34-12-36, <u>Code of Alabama 1975</u> .			
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Total Alabama State Board of Regis- tration for Foresters	24,500	24,500	

56. FORESTRY COMMISSION,
ALABAMA:

(a) Forest Resources Protection and Development Program	22,082,939
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	12,075,500		
(2) Federal and Local Funds		2,801,625	
(3) Forestry Commission Fund		7,205,814	
Of the above appropriation, at least \$2,668,000 shall be used for rural and community fire protection.			
<hr/>			
Total Alabama Forestry Commission	12,075,500	10,007,439	22,082,939

Of the above appropriation, \$200,000
shall be used for forestry research,
marketing, management and envi-
ronmental improvement grants.

In addition to the above appropriation
to the Alabama Forestry Commis-
sion, there is hereby conditionally
appropriated for capital outlay from
the Alabama Forestry Commission
Fund the net proceeds from the sale
of certain present property where the
Birmingham District Headquarters

is located in Jefferson County. The proceeds from said sale shall be covered into the Alabama Forestry Commission Fund. The above conditional appropriation shall be used to purchase land, building(s), and/or construction of building(s) in order to relocate the Birmingham District Headquarters. This conditional appropriation shall become absolute when said sale is concluded, recommended by the Finance Director and approved by the Governor.

57. FUNERAL SERVICE, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	128,000
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SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund	128,000
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As provided in Section 34-13-23, Code of Alabama 1975.

Total Alabama Board of Funeral Service	128,000	128,000
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58. GEOLOGICAL SURVEY:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program	2,647,514
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SOURCE OF FUNDS:

(1) State General Fund	2,068,645
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(2) Federal, Local and Miscellaneous Funds	578,869
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Total Geological Survey	2,068,645	578,869	2,647,514
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59. GORGAS MEMORIAL BOARD:

(a) Historical Resources Management Program	5,000
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SOURCE OF FUNDS:

(1) State General Fund	5,000
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As provided in Section 41-9-220, Code of Alabama 1975, and an additional amount.

Total Gorgas Memorial Board	5,000	5,000
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60. GOVERNOR'S MANSION ADVISORY BOARD:

(a) Historical Resources Management Program	9,073
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	9,073	
Total Governor's Mansion Advisory Board	9,073	9,073

61. GOVERNOR'S MANSION AND COASTAL MANSION:

(a) Executive Direction Program		181,450
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	181,450	
Total Governor's Mansion and Coastal Mansion	181,450	181,450

62. GOVERNOR'S OFFICE:

(a) Executive Direction Program		1,461,150
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SOURCE OF FUNDS:

(1) State General Fund	1,461,150	
Total Governor's Office	1,461,150	1,461,150

63. GOVERNOR'S OFFICE ON VOLUNTEERISM:

(a) Executive Direction Program		85,413
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SOURCE OF FUNDS:

(1) State General Fund	85,413	
Total Governor's Office on Volunteerism	85,413	85,413

64. HEALTH, DEPARTMENT OF PUBLIC:

(a) Personal Health Improvement Program		64,630,465
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(b) Health Support Services Program		43,004,001
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Of the amount appropriated to support local health department services, \$4,020,000 shall be used to provide a minimum staff in each of the 67 counties, and the remaining shall be allocated to the counties on the basis of need and a match formula to be determined by the Department.

(c) Administrative Services Program		7,882,513
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(d) Industrial Health Services Program		254,000
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(e) Perinatal and Related SOBRA Services Program		10,400,000
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SOURCE OF FUNDS:

(1) State General Fund	26,051,363	
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(2) Cigarette Tax-\$0.01 and \$0.02	4,000,000		
As provided in Section 40-25-2 and Section 40-25-23, <u>Code of Alabama</u> 1975. ‘			
(3) Vital Statistics Fund	1,381,254		
(4) Hospital Licensing Fund	235,000		
(5) Emergency Medical Services Fund	50,000		
As provided in Section 22-18-4, <u>Code</u> <u>of Alabama</u> 1975.			
(6) Local Health Departments	20,880,748		
(7) Nuclear Monitoring Fund	139,000		
(8) Radiation Safety Fund	100,000		
(9) Miscellaneous Funds	9,845,514		
(10) Federal Funds	57,088,100		
(11) Transfer from ABC Board	4,000,000		
(12) Miscellaneous Funds-SOBRA Program	2,400,000		
Total Department of Public Health	26,051,363	100,119,616	126,170,979
65. HEALTH PLANNING AGENCY, STATE:			
(a) Health Planning Development and Regulation Program			654,797
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	304,797		
(2) Certificate of Need Fees		300,000	
(3) Federal, Local and Miscellaneous Funds		50,000	
Total State Health Planning Agency ..	304,797	350,000	654,797
66. HEARING AID DEALERS, ALABAMA BOARD OF:			
(a) Professional and Occupational Li- censing and Regulation Program			40,000
SOURCE OF FUNDS:			
(1) State Board of Health-Hearing Aid Fund		40,000	
As provided in Section 34-14-33, <u>Code</u> <u>of Alabama</u> 1975.			
Total Alabama Board of Hearing Aid Dealers		40,000	40,000
67. HEATING AND AIR CONDI- TIONING CONTRACTORS, BOARD OF:			
(a) Professional and Occupational Li- censing and Regulation Program			133,301

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SOURCE OF FUNDS:

(1) Heating and Air Conditioning Contractors Fund	133,301	
Total Board of Heating and Air Conditioning Contractors	133,301	133,301

68. HERITAGE TRUST FUND, ALABAMA:

(a) Fiscal Management Program		20,000
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SOURCE OF FUNDS:

(1) Heritage Trust Income	20,000	
Total Alabama Heritage Trust Fund ..	20,000	20,000

69. HIGHWAY DEPARTMENT:

(a) Central Administration Program	10,706,273	
(b) Division and District Supervision Program	19,224,843	
(c) Operations and Support Services Program	7,972,800	
(d) Maintenance Program	131,438,043	
(e) Non-Programmatic Programs	108,842,333	

Proposed Spending Plan for the above (e) includes the following:

Debt Service	107,285,685	
Equipment-Other than Automotive	1,556,648	

(f) Construction-Federal Aid Program	335,308,070	
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Proposed Spending Plan for the above (f) includes the following:

Federal Aid Matching	47,729,452	
Non-Participating Work on Federal Projects	1,000,000	

Federal Aid	286,578,618	
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(g) Construction-State Program	20,000,000	
(h) Operations-Land and Buildings ...	1,408,000	

SOURCE OF FUNDS:

(1) State General Fund-Transfer	71,500	
(2) Public Road and Bridge Fund	348,250,244	
(3) Federal Aid	286,578,618	

There is hereby appropriated, for payment of the principal of and the interest on all bonds theretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid

Highway Finance Authority, or Alabama Industrial Access Road and Bridge Corporation, a total of \$107,285,685 or so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment. The Highway Director with the consent of the Governor and the Finance Director shall have the authority to transfer any appropriation or any portion thereof between and among Subsections (a), (b), (c), (d), (e), (f), (g), (h), of this Section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable. In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

- (1) the appropriations made for Debt Service in Subsection (e) hereof shall be paid in full, (2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purposes referred to in Subsections (a), (b), (c), (d), (e), (f), (g), (h) except for Debt Service, hereof shall be allocated among the purposes referred to in said Subsections in such order and with such priorities as the State Highway Director shall from time to time direct. The funds appropriated in Subsection (f) hereof, for the matching Federal Funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made. In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available.
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Total Highway Department	71,500	634,828,862	634,900,362
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In addition to the above appropriation to the Highway Department, there is hereby appropriated the sum of \$350,000 from any sources available to the Highway Department as the state match for additional federal mass transit funds, to purchase capital equipment (rolling stock) for the state mass transportation program, and for an insurance and/or self-insurance program. Of the above appropriation to the Highway Department an amount up to \$140,000 is to be used to solve any state right-of-way problem involving fraternal organizations.

70. HISTORIC BLAKELEY AUTHORITY:

(a) Tourism and Travel Promotion Program		190,150	
(b) Capital Outlay		100,000	

SOURCE OF FUNDS:

(1) State General Fund	290,150		
Total Historic Blakeley Authority	290,150		290,150

71. HISTORIC CHATTAHOOCHEE COMMISSION:

(a) Historical Resources Management Program		98,200	
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SOURCE OF FUNDS:

(1) State General Fund	98,200		
Total Historic Chattahoochee Commission	98,200		98,200

72. HISTORICAL COMMISSION, ALABAMA:

(a) Historical Resources Management Program		2,309,566	
(b) Historical Resources Management Program-Capital Outlay		80,841	
(c) Historical Preservation Projects ...		952,540	

The above appropriation for Historical Preservation Projects shall include \$50,000 for a museum that traces the history of coal mining.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,483,914		
The State General Fund appropriation shall include the following:			
Historical Commission, Alabama	246,840		
Historical Commission, Alabama-John T. Morgan House, Selma	11,460		
Historical Commission, Alabama- Cahaba	150,000		
Historical Commission, La Grange	7,774		
(2) State General Fund-Transfer- Capital Outlay	80,841		
(3) State General Fund-Transfer- Historical Preservation Projects	952,540		
(4) Federal, Local and Miscellaneous Funds		825,652	
Total Alabama Historical Commission	2,517,295	825,652	3,342,947

As provided in Act No. 87-749, in addition to the amounts appropriated hereinabove to the Alabama Historical Commission, there is hereby appropriated the proceeds from the sale of 1945 legislative desks and chairs for the cost of reproduction furniture to be used in the restoration of the Alabama State Capitol.

73. HUMAN RESOURCES, DEPARTMENT OF:

(a) Human Services Program	281,722,049
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It is the intent of the Legislature that allotments be made to the County Departments of Human Resources in the amount of \$165,500 to fund, upon approval of the county department director, supplemental client services not otherwise provided for through existing programs of the Department of Human Resources. Allotments to the county departments based on the counties' populations according to the 1980 census are as follows: county populations greater than 50,000, \$3,500; county populations less than 50,000, \$2,000.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	13,688,441		
(2) State General Fund-Transfer-Additional Day Care Slots	1,500,000		
(3) State General Fund-Transfer-Group Homes	1,000,000		
(4) Federal, Local and Miscellaneous Funds		185,874,156	
(5) ABC Profits		1,070,000	
(6) Whiskey Tax		21,100,000	
(7) Beer Tax		8,100,000	
(8) Pension Residue		14,000,000	
(9) Sales Tax		1,322,000	
(10) Franchise Tax		13,600,000	
(11) Child Support Collections		3,127,097	
(12) Sales Tax for Food Stamps		11,090,355	
(13) Cigarette Tax		4,375,000	
(14) Contractor's Gross Receipts Tax		1,875,000	
Total Department of Human Resources	16,188,441	265,533,608	281,722,049

It is the intent of the Legislature that two-thirds of the state's present and future client slots for the program known as the "Medicaid Waiver Services Program-Home and Community-Based Waiver for the Elderly and Disabled" be served by the Department of Human Resources. The Department of Human Resources may contract with other agencies, specifically including the State Department of Public Health, to provide the services under the Medicaid Waiver Services Program.

74. INDIAN AFFAIRS COMMISSION, ALABAMA:

(a) Social Services Program	152,560
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The above appropriation is to be expended in accordance with Sections 41-9-708 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund	152,560	
Total Alabama Indian Affairs Commission	152,560	152,560

75. INDUSTRIAL DEVELOPMENT AUTHORITY, STATE:

(a) Industrial Development Program	76,100
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SOURCE OF FUNDS:

(1) SIDA Application Fees Fund	76,100		
Total State Industrial Development Authority	76,100	76,100	

76. INDUSTRIAL RELATIONS,
DEPARTMENT OF:

(a) Unemployment Compensation Program		16,788,976	
(b) Skills Enhancement and Employment Opportunities Program		19,219,009	
(c) Industrial Safety and Accident Prevention Program		4,648,746	
(d) Administrative Services Program		8,451,718	
(e) Workmen's Compensation Program		573,764	

The above appropriation of \$573,764 must be used in the Workmen's Compensation Program and may not be transferred to any other program or expended for any other function.

SOURCE OF FUNDS:

(1) State General Fund	1,159,337		
(2) Federal, Local and Miscellaneous Funds		48,522,876	
Total Department of Industrial Relations	1,159,337	48,522,876	49,682,213

77. INSURANCE, DEPARTMENT
OF:

(a) Regulatory Services Program			2,365,123
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SOURCE OF FUNDS:

(1) State General Fund	1,254,670		
(2) Fire Marshal's Fund		136,844	

As provided in Section 24-5-10, Code of Alabama 1975. Any balance in excess of \$50,000 at the end of the fiscal year shall be transferred to the State General Fund.

(3) Examination Revolving Fund		973,609	
Total Department of Insurance	1,254,670	1,110,453	2,365,123

Of the above appropriation to the Department of Insurance, \$50,000 is hereby appropriated for advance newspaper publication of rate filings prior to any hearing or other determination by the Commissioner.

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78. INSURANCE BOARD, STATE
EMPLOYEES':

(a) Administrative Support Services Program	350,000
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SOURCE OF FUNDS:

(1) State Employees' Insurance Board Expense Fund	350,000	
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Total State Employees' Insurance Board	350,000	350,000
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79. INTERIOR DESIGNERS, ALA-
BAMA STATE BOARD OF REG-
ISTRATION FOR:

(a) Professional and Occupational Li- censing and Regulation Program	5,700
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SOURCE OF FUNDS:

(1) Interior Designers Fund	5,700
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As provided in Section 34-15A-7, Code
of Alabama 1975.

Total Alabama State Board of Regis- tration for Interior Designers	5,700	5,700
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80. LABOR, DEPARTMENT OF:

(a) Regulatory Services Program	354,802
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SOURCE OF FUNDS:

(1) State General Fund	304,802
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(2) Federal, Local and Miscellaneous Funds	50,000
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Total Department of Labor	304,802	50,000	354,802
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81. LANDSCAPE ARCHITECTS,
BOARD OF EXAMINERS FOR:

(a) Professional and Occupational Li- censing and Regulation Program	18,525
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SOURCE OF FUNDS:

(1) Landscape Architects Fund	18,525
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As provided in Section 34-17-6, Code
of Alabama 1975.

Total Board of Examiners of Land- scape Architects	18,525	18,525
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82. LIEUTENANT GOVERNOR,
OFFICE OF THE:

(a) Legislative Operations and Sup- port Program	440,156
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SOURCE OF FUNDS:

(1) State General Fund	440,156
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Total Office of the Lieutenant Governor	440,156	440,156
83. LIQUEFIED PETROLEUM GAS BOARD:		
(a) Regulatory Services Program		342,000
SOURCE OF FUNDS:		
(1) Liquefied Petroleum Gas Board Fund	342,000	
Total Liquefied Petroleum Gas Board	342,000	342,000
84. MANUFACTURED HOUSING COMMISSION, ALABAMA:		
(a) Regulatory Services Program		494,921
SOURCE OF FUNDS:		
(1) Alabama Manufactured Housing Commission Fund	494,921	
As provided in Section 24-6-4, <u>Code of Alabama 1975</u> .		
Total Alabama Manufactured Housing Commission	494,921	494,921
85. MEDICAID AGENCY, ALABAMA:		
(a) Medical Assistance Through Medicaid Program		536,786,519
It is the intent of the Legislature that of the above appropriation, which includes \$22,489,144 for SOBRA, Medicaid eligibility shall be extended to include, to the fullest extent possible, pregnant women and children up to 1 year of age who have incomes at or below 100% of the federal poverty level. It is the further intent of the Legislature that the provisions of the state's SOBRA program will include raising to a minimum of 80% of the physician's reimbursement level the reimbursement for certified midwives for deliveries under Medicaid. Also, it is the intent of the Legislature that the state's SOBRA program provide for physician reimbursement for deliveries at minimum per patient which is above the national Medicaid average adjusted annually for global delivery fee and that such fee be reviewed periodically by the Alabama Medicaid Agency to insure the		

rate structure provides access for prenatal care. In addition, the Legislature intends that SOBRA provisions include reimbursement to pediatricians who attend a high-risk Medicaid covered delivery. The Legislature intends that SOBRA provisions in the State allow pregnant women, who are determined to be eligible for Medicaid through SOBRA, remain eligible throughout their pregnancy, that an assets test shall not be required in making a determination of eligibility for such program, and that all providers designated under Public Law 99-509 (SOBRA) may be certifiers of presumptive eligibility for Medicaid which will insure that the eligible State population have access for said services.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	108,176,779		
(2) State General Fund-Transfer-SOBRA	6,049,572		
(3) Transfer from Department of Human Resources		3,824,175	
(4) Transfer from Mental Health		19,050,250	
(5) Transfer from Commission On Aging		1,770,580	
(6) Federal, Local and Miscellaneous Funds		397,915,163	
Total Alabama Medicaid Agency	114,226,351	422,560,168	536,786,519

86. MEN'S HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program			5,000
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SOURCE OF FUNDS:

(1) State General Fund	5,000		
Total Alabama Men's Hall of Fame	5,000		5,000

87. MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF:

(a) Institutional Treatment and Care-Mental Illness Program		84,864,025	
(b) Institutional Treatment and Care-Mental Retardation Program		65,593,752	
(c) Institutional Treatment and Care-Criminally Insane Program		5,384,765	

(d) Administrative Services Program	5,308,394
(e) Community Services Program	59,342,197

Of the above appropriation, \$1,000,000 shall be expended for new and expanded residential drug treatment services. It is further provided, however, that no reduction in funding for existing community services shall be made to provide for said drug treatment services.

(f) Community Work Centers	1,000,000
(g) Agency Administration Program ..	696,899

SOURCE OF FUNDS:

(1) State General Fund-Transfer	59,224,627	
(2) Special Mental Health Trust Fund		86,844,000

For operations and maintenance of the State Mental Health and Mental Retardation Department and the Mental Health and Mental Retardation Community Programs, including the purchase of drugs for medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama state hospitals.

(3) Transfer from ABC Profits	1,000,000	
(4) Cigarette Tax	6,800,000	
(5) Federal, Local and Miscellaneous Funds	68,321,405	
Total Department of Mental Health and Mental Retardation	59,224,627	162,965,405
		222,190,032

88. MILITARY DEPARTMENT:

(a) Military Operations Program	6,167,307
(b) Capital Outlay	250,000

SOURCE OF FUNDS:

(1) State General Fund-Operations	1,682,657
(2) State General Fund-Quarterly Allowances Headquarters	1,363,800

Regular Allowance Units to be used solely for operating expenses; provided, that no more than \$4,500 shall be allotted in any fiscal year for the Alabama National Guard Headquarters.

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| (3) State General Fund-Transfer-Capital Outlay for Architect and Engineering Services, specifications repair and construction of facilities | 250,000 |
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The above appropriation shall include funding for asbestos removal at the Fort Whiting Armory.

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|--|-----------|
| (4) State General Fund-Active Military Service | 75,000 |
| (5) State General Fund-Transfer to Armory Commission | 3,035,000 |
| (6) State General Fund-Dropping Allowance | 4,500 |
| (7) State General Fund-State Defense Force | 6,350 |

Total Military Department	6,417,307	6,417,307
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89. MILITARY DEPARTMENT-ARMORY COMMISSION OF ALABAMA:

- | | |
|---------------------------------------|-----------|
| (a) Military Operations Program | 5,134,765 |
|---------------------------------------|-----------|

SOURCE OF FUNDS:

- | | |
|--|-----------|
| (1) Transfer from Military Department | 3,035,000 |
| (2) Federal, Local and Miscellaneous Funds | 2,099,765 |

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of facilities; provided, however, that the last federal government service contract reimbursement shall not revert to the State General Fund, and any unobligated balance remaining thereof in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.

Total Armory Commission of Alabama	5,134,765	5,134,765
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90. MOTOR SPORTS HALL OF FAME:

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|--|--------|
| (a) Tourism and Travel Promotion Program | 50,000 |
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SOURCE OF FUNDS:

(1) State General Fund	50,000	
Total Motor Sports Hall of Fame	50,000	50,000

91. MUSIC HALL OF FAME, ALA-
BAMA:

(a) Fine Arts Program		120,354
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SOURCE OF FUNDS:

(1) State General Fund	120,354	
Total Alabama Music Hall of Fame	120,354	120,354

92. NURSING, ALABAMA BOARD
OF:

(a) Professional and Occupational Li- censing and Regulation Program		1,052,160
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SOURCE OF FUNDS:

(1) Alabama Board of Nursing Trust Fund-as provided in Code of Ala- bama 1975, as amended, Sections 34- 21-1 through 34-21-43	1,052,160	
Total Alabama Board of Nursing	1,052,160	1,052,160

93. NURSING HOME ADMINIS-
TRATORS, BOARD OF EXAM-
INERS OF:

(a) Professional and Occupational Li- censing and Regulation Program		48,000
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SOURCE OF FUNDS:

(1) Board of Examiners of Nursing Home Administrators Fund	48,000	
As provided in Section 34-20-7, <u>Code of Alabama 1975.</u>		
Total Board of Examiners of Nursing Home Administrators	48,000	48,000

94. OIL AND GAS BOARD:

(a) Management and Regulation of Oil and Gas Exploration and Develop- ment Program		2,305,833
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SOURCE OF FUNDS:

(1) State General Fund	2,195,833	
(2) Oil and Gas Board Special Fund ..	100,000	
(2) Federal, Local and Miscellaneous Funds	10,000	

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Total Oil and Gas Board	2,195,833	110,000	2,305,833
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95. PARDONS AND PAROLES,
BOARD OF:

(a) Administration of Pardons and Paroles Program			11,812,792
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SOURCE OF FUNDS:

(1) State General Fund	8,797,072		
(2) Probationers Upkeep Fund		2,878,050	

In accordance with Section 15-22-2,
Code of Alabama 1975.

(3) Miscellaneous Funds		137,670	
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Total Board of Pardons and Paroles ...	8,797,072	3,015,720	11,812,792
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96. PEACE OFFICERS' ANNUITY
AND BENEFIT FUND, ALA-
BAMA:

(a) Retirement Systems Program			266,990
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SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Ben- efit Fund		266,990	
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As provided in Section 36-21-66, Code
of Alabama 1975.

Total Alabama Peace Officers' Annuity and Benefit Fund		266,990	266,990
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97. PERSONNEL DEPARTMENT,
STATE:

(a) Administrative Support Services Program			2,893,827
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SOURCE OF FUNDS:

Transfers to the State Personnel De-
partment shall be as follows:

(1) Board of Public Accountancy	287		
(2) Department of Aeronautics	479		
(3) Commission on Aging	1,915		
(4) Department of Agriculture and Industries	44,290		
(5) Agricultural Center Board	1,819		
(6) Alcoholic Beverage Control Board	88,054		
(7) Board of Registration for Architects	144		
(8) Archives and History	4,644		
(9) State Council on the Arts	1,006		
(10) Attorney General's Office	13,646		
(11) State Auditor	2,059		

(12) State Banking Department	4,980
(13) Building Commission	2,155
(14) Child Abuse and Neglect Prevention Board	192
(15) Chiropractic Examiners	96
(16) Department of Conservation and Natural Resources	100,934
(17) State Licensing Board for General Contractors	527
(18) Department of Corrections	264,688
(19) Board of Cosmetology	862
(20) Credit Union Administration	527
(21) Alabama Crime Victims Compensation Commission	622
(22) Criminal Justice Information Center	6,033
(23) Alabama Development Office	3,208
(24) State Docks	46,541
(25) Department of Economic and Community Affairs	29,878
(26) Department of Education	128,322
(27) Electrical Contractors Board	48
(28) Emergency Management Agency	3,687
(29) Local Emergency Management ..	5,000
(30) Board of Registration for Professional Engineers and Land Surveyors	431
(31) Department of Environmental Management	22,265
(32) Ethics Commission	575
(33) Examiners of Public Accounts	20,110
(34) Farmers' Market Authority	239
(35) Finance Department	45,679
(36) Finance-Alabama Building Authority	2,681
(37) Finance-Alabama Building Finance Authority	1,819
(38) Firefighters' Personnel Standards and Education Commission	383
(39) Foreign Trade Relations Commission	144
(40) Department of Forensic Sciences	10,869
(41) Forestry Commission	39,742
(42) Funeral Services	144

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(43) Governor's Office	3,112
(44) Department of Public Health	209,960
(45) Board of Heating and Air Con- ditioning Contractors	192
(46) Highway Department	359,972
(47) Alabama Historical Commission	5,794
(48) Housing Finance Authority	239
(49) Department of Human Resources	373,953
(50) Alabama Indian Affairs Commission	144
(51) Department of Industrial Relations	162,318
(52) Insurance Department	5,315
(53) Judicial Inquiry Commission	48
(54) Department of Labor	766
(55) Legislative Reference Service	575
(56) Liquefied Petroleum Gas Board	622
(57) Manufactured Housing Commission	383
(58) Alabama Medicaid Agency	26,861
(59) Department of Mental Health and Mental Retardation	448,936
(60) Military Department	17,285
(61) Board of Nursing	1,580
(62) Board of Examiners of Nursing Home Administrators	48
(63) Oil and Gas Board	10,294
(64) Pardons and Paroles	26,718
(65) Peace Officers' Annuity and Ben- efit Fund	239
(66) Peace Officers' Standards and Training Commission	335
(67) Physical Fitness Commission	575
(68) Board of Physical Therapy	48
(69) Board of Polygraph Examiners ..	96
(70) Public Library Service	5,698
(71) Department of Public Safety	118,458
(72) Public Service Commission	13,119
(73) Alabama Educational Television Commission	7,757
(74) Real Estate Commission	1,484
(75) Retirement Systems	11,396
(76) Department of Revenue	113,000
(77) Secretary of State	2,442

(78) Securities Commission	2,011	
(79) Board of Social Work Examiners	96	
(80) Soil and Water Conservation	335	
(81) Surface Mining Commission	4,788	
(82) Bureau of Tourism and Travel ...	6,799	
(83) State Treasurer	4,070	
(84) Department of Veterans' Affairs	5,937	
(85) Board of Veterinary Medical Examiners	96	
(86) Department of Youth Services ...	36,725	
(87) State Health Planning Agency ...	1,484	
Total State Personnel Department	2,893,827	2,893,827

99. PHYSICAL THERAPY, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	72,435	
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SOURCE OF FUNDS:

(1) Physical Therapist Fund	72,435	
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As provided in Section 34-24-195, Code of Alabama 1975.

Total Board of Physical Therapy	72,435	72,435
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100. PLUMBERS AND GAS FITTERS EXAMINING BOARD, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program	249,480	
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SOURCE OF FUNDS:

(1) Board of Plumbers and Gas Fitters Examiners Fund	249,480	
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Total Alabama Plumbers and Gas Fitters Examining Board	249,480	249,480
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101. POLYGRAPH EXAMINERS, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	30,000	
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SOURCE OF FUNDS:

(1) Board of Polygraph Examiners Fund	30,000	
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As provided in Section 34-25-5, Code of Alabama 1975.

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Total Board of Polygraph Examiners	30,000	30,000
102. PROSECUTION SERVICES, OFFICE OF:		
(a) Prosecution, Training, Education and Management Program		1,287,427
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	360,589	
(2) Office of Prosecution Services Fund		926,838
Total Office of Prosecution Services ...	360,589	926,838
103. PSYCHOLOGY, ALABAMA BOARD OF EXAMINERS IN:		
(a) Professional and Occupational Li- censing and Regulation Program		45,430
SOURCE OF FUNDS:		
(1) Board of Examiners in Psychology Fund		45,430
As provided in Section 34-26-43, <u>Code of Alabama 1975</u> .		
Total Alabama Board of Examiners in Psychology	45,430	45,430
104. PUBLIC SAFETY, DEPART- MENT OF:		
(a) Traffic Control and Accident Pre- vention Program		19,019,448
(b) Criminal Investigation Program ...		4,685,923
(c) Driver's Licensing and Improve- ment Program		10,273,240
(d) Public Safety Support Services Program		7,592,294
(e) Administrative Services Program		4,899,971
(f) Alabama Criminal Justice Train- ing Center Program		1,924,821
SOURCE OF FUNDS:		
(1) State General Fund	48,395,697	
Total Department of Public Safety	48,395,697	48,395,697
105. PUBLIC SERVICE COMMIS- SION:		
(a) Regulatory Services Program		5,649,101
(b) Administrative Services Program		1,842,134
(c) Transfer to Legislature		100,000
SOURCE OF FUNDS:		
(1) Public Service Commission Fund	6,973,235	
The above amount shall include \$100,000 to be transferred from the		

Public Service Commission Fund to the Legislature, authorized pursuant to the provisions of Section 29-1-22, Code of Alabama 1975.

The above appropriation to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such parts or percentages of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$600,000 shall be transferred to the State General Fund.

(2) Gas Pipeline Safety Fund	386,000	
(3) Federal and Miscellaneous Funds	232,000	
Total Public Service Commission	7,591,235	7,591,235

106. REAL ESTATE COMMISSION, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program	1,029,034
(b) Capital Outlay	400,000

SOURCE OF FUNDS:

(1) Alabama Real Estate Commission Fund	1,429,034
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As provided in Section 34-27-4, Code of Alabama 1975 and the total expenditures shall in no manner exceed the amounts hereby appropriated.

Total Alabama Real Estate Commission	1,429,034	1,429,034
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107. REVENUE, DEPARTMENT OF:

(a) State Revenue Administration Program	49,671,690
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	250,000
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As provided in Section 40-7-70, Code of Alabama 1975, to maintain a program for the equalization of ad valorem tax assessments.

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(2) State General Fund-Board of Equalization	124,985	
(3) Ad Valorem Equalization Fund		220,115
(4) Transfers from the proceeds of the following:		
(a) Cigarette Tax Collections		888,224
As provided in Section 40-25-27, <u>Code of Alabama 1975</u> .		
(b) Financial Institution Excise Tax Collections		230,198
(c) Forest Severance Tax Collections		84,784
(d) Gasoline Tax Collections		4,030,552
(e) Income Tax Collections		13,678,883
(f) Motor Fuel Tax Collections		840,032
(g) Motor Vehicle License Collections		1,821,412
(h) Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax		557,337
(i) Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax		1,373,134
(j) Sales Tax Collections		12,067,459
(k) Tobacco Tax Collections		36,353
(l) Use Tax Collections		1,320,637
(m) Utility Tax Collections		2,932,060
(5) Local Funds		6,000,442
(6) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags		2,365,083
(7) Inspection fees for restored vehicles		750,000
As provided in Section 32-8-87, <u>Code of Alabama 1975</u> .		
(8) Revenue Administration Fund-Transfer from Abandoned Property Trust Fund as provided in Section 35-12-39, <u>Code of Alabama 1975</u>		100,000

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law. Provided, however, in addition to the amount hereinabove appropriated, there is hereby

appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

Total Department of Revenue	374,985	49,296,705	49,671,690
<hr/>			
108. SECRETARY OF STATE:			
(a) Administrative Support Services Program			1,157,627
SOURCE OF FUNDS:			
(1) State General Fund	778,627		
(2) UCC and Farm Indexing Fund		379,000	
Total Secretary of State	778,627	379,000	1,157,627
<hr/>			
109. SECURITIES COMMISSION:			
(a) Regulatory Services Program			1,095,739
SOURCE OF FUNDS:			
(1) State General Fund	748,000		
(2) Industrial Revenue Bond Notification Fund		220,190	
(3) Sale of Checks License Fund		7,781	
(4) Exemption Fund		119,768	
Total Securities Commission	748,000	347,739	1,095,739
<hr/>			
110. SENIOR CITIZENS HALL OF FAME, ALABAMA:			
(a) Historical Resources Management Program			22,681
SOURCE OF FUNDS:			
(1) State General Fund	22,681		
Total Alabama Senior Citizens Hall of Fame	22,681		22,681
<hr/>			
111. SOCIAL WORK EXAMINERS, ALABAMA STATE BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			61,888
SOURCE OF FUNDS:			
(1) Alabama State Board of Social Work Examiners Fund		61,888	
As provided in Section 34-30-6, <u>Code of Alabama 1975</u> .			
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Total Alabama State Board of Social Work Examiners	61,888	61,888
<hr/>		
112. SOIL AND WATER CONSERVATION COMMITTEE, STATE:		
(a) Water Resource Development Program		1,208,381
(b) Professional and Occupational Licensing and Regulation Program		4,000
SOURCE OF FUNDS:		
(1) State General Fund	1,178,381	
(2) Soil Classifiers Fund	4,000	
As provided in Section 34-32-19, <u>Code of Alabama 1975</u> .		
(3) Transfer from Agricultural and Conservation Development Commission	30,000	
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Total State Soil and Water Conservation Committee	1,178,381	34,000
<hr/>		
113. SOUTHERN GROWTH POLICIES BOARD:		
(a) Special Services Program		27,830
SOURCE OF FUNDS:		
(1) State General Fund	27,830	
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Total Southern Growth Policies Board	27,830	27,830
<hr/>		
114. SPORTS HALL OF FAME, ALABAMA:		
(a) Historical Resources Management Program		140,000
(b) Capital Outlay		350,000
SOURCE OF FUNDS:		
(1) State General Fund	490,000	
<hr/>		
Total Alabama Sports Hall of Fame ...	490,000	490,000
<hr/>		
115. SPEECH PATHOLOGY AND AUDIOLOGY, ALABAMA BOARD OF EXAMINERS FOR:		
(a) Professional and Occupational Licensing and Regulation Program		28,270
SOURCE OF FUNDS:		
(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund	28,270	
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As provided in Section 34-28A-44, <u>Code of Alabama 1975</u> .		
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Total Alabama Board of Examiners for Speech Pathology and Audiology	28,270	28,270
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116. SURFACE MINING COMMISSION, ALABAMA:

(a) Industrial Safety and Accident Prevention Program	5,239,079
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	450,000
(2) Surface Mining Commission Fund	4,789,079

As provided by Section 9-16-103, Code of Alabama 1975. All fees and charges, grants, gifts, fines, bond forfeitures or other monies received under the above act, in addition to the appropriation herein made, are appropriated to the Surface Mining Commission.

Total Alabama Surface Mining Commission	450,000	4,789,079	5,239,079
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117. TANNEHILL FURNACE AND FOUNDRY COMMISSION:

(a) Historical Resources Management Program	296,392
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SOURCE OF FUNDS:

(1) State General Fund	296,392
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Total Tannehill Furnace and Foundry Commission	296,392	296,392
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118. TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY:

(a) Water Resource Development Program	101,000
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SOURCE OF FUNDS:

(1) State General Fund	101,000
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Total Tennessee-Tombigbee Water- way Development Authority	101,000	101,000
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119. TENNESSEE VALLEY EXHIBIT COMMISSION OF ALABAMA:

(a) Promotional Development Program	572,241
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To be expended in accordance with Sections 41-9-780 et seq., Code of Alabama 1975.

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SOURCE OF FUNDS:

(1) State General Fund-Transfer	70,766		
(2) Federal, Local and Miscellaneous Funds		301,475	
(3) Funds Generated as a Result of Bond Proceeds-Estimated		200,000	
Total Tennessee Valley Exhibit Com- mission of Alabama	70,766	501,475	572,241

120. TOURISM AND TRAVEL,
BUREAU OF:

(a) Tourism and Travel Promotion Program		4,436,999	
(b) Grants and Benefits Program		914,583	
Of the above appropriation, \$50,000 shall be transferred to the Cahaba Trace Commission.			
(c) Alabama Reunion		300,000	

SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,061,221		
(2) Lodgings Tax (\$0.01)		3,590,361	
Receipts collected under the provisions of Section 40-26-1 et seq., <u>Code of Alabama 1975.</u>			
Total Bureau of Tourism and Travel	2,061,221	3,590,361	5,651,582

121. TREASURER, STATE:

(a) Fiscal Management Program		1,648,353	
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SOURCE OF FUNDS:

(1) State General Fund	1,648,353		
Total State Treasurer	1,648,353		1,648,353

122. UNIFORM STATE LAWS,
ALABAMA COMMISSION ON:

(a) Special Services Program, Estimated		6,500	
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SOURCE OF FUNDS:

(1) State General Fund	6,500		
As provided in Section 41-9-374, <u>Code of Alabama 1975.</u>			
Total Alabama Commission on Uni- form State Laws	6,500		6,500

123. VETERANS' AFFAIRS, DE-
PARTMENT OF:

(a) Administration of Veterans' Af- fairs Program		2,860,397	
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SOURCE OF FUNDS:

(1) State General Fund	2,860,397	
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Total Department of Veterans'

Affairs	2,860,397	2,860,397
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124. VETERINARY MEDICAL EX-
AMINERS, ALABAMA STATE
BOARD OF:

(a) Professional and Occupational Li- censing and Regulation Program		145,000
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SOURCE OF FUNDS:

(1) State Board of Veterinary Medical Examiners Fund	145,000	
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As provided in Section 34-29-23 and
Section 34-29-41, Code of Alabama
1975.

Total Alabama State Board of Veteri-
nary Medical Examiners

145,000	145,000
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125. WOMEN'S COMMISSION,
ALABAMA:

(a) Employment and Social Oppor- tunities Program		9,980
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SOURCE OF FUNDS:

(1) State General Fund	9,980	
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Total Alabama Women's
Commission

9,980	9,980
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126. WOMEN'S HALL OF FAME,
ALABAMA:

(a) Historical Resources Management Program		5,662
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SOURCE OF FUNDS:

(1) State General Fund	5,662	
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Total Alabama Women's Hall of
Fame

5,662	5,662
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127. YOUTH SERVICES, DE-
PARTMENT OF:

(a) Juvenile Probation Officer's Subsidy		2,349,932
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(b) Youth Services Program		1,909,310
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The above appropriation shall be ex-
pended in accordance with the pro-
vision of the Code of Alabama 1975,
as amended, Section 44-1-1 through
44-1-56.

SOURCE OF FUNDS:

(1) State General Fund-Juvenile Probation Officers Subsidy	2,349,932		
(2) State General Fund-Youth Services Program	617,977		
(3) Federal and Local Funds		1,291,333	
Total Department of Youth Services ..	2,967,909	1,291,333	4,259,242

128. LAW INSTITUTE, ALABAMA:

(a) Support of Other Educational Activities Program			335,955
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SOURCE OF FUNDS:

(1) State General Fund	335,955		
Total Alabama Law Institute	335,955		335,955

129. DEPARTMENT OF EDUCATION:

(a) Direct Client Services for the Handicapped/Projects-Vocational Rehabilitation/Crippled Children Services Program			2,030,000
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The General Fund monies included in the above program are to be distributed by the Department of Education as follows:

Homebound Program	2,000,000
Eye Injury Register	30,000

SOURCE OF FUNDS:

(1) State General Fund	2,030,000		
Total Department of Education	2,030,000		2,030,000

130. SPACE SCIENCE EXHIBIT COMMISSION:

(a) Tourism and Travel Promotion Program			200,000
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SOURCE OF FUNDS:

(1) State General Fund	200,000		
Total Space Science Exhibit Commission	200,000		200,000

131. SPECIAL INDUSTRIAL JOB TRAINING:

(a) Industrial Training Program			1,000,000
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This appropriation shall be administered by the Alabama Industrial Development Training Institute to provide training and/or training assistance. Of the above appropriation,

\$500,000 shall be used for Boeing Space Laboratory, Huntsville, \$350,000 shall be used for the Alabama Center for Quality and Productivity and \$100,000 for Partek, Phenix City.

SOURCE OF FUNDS:

(1) State General Fund	1,000,000	
Total Special Industrial Job Training	1,000,000	1,000,000

132. FARM CRISIS AND TRANSITION PROGRAM:

(a) Agricultural and Development Services Program		100,000
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SOURCE OF FUNDS:

(1) State General Fund	100,000	
Total Farm Crisis and Transition Program	100,000	100,000

133. GOVERNOR'S CONTINGENCY FUND:

(a) Executive Direction Program		500,000
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SOURCE OF FUNDS:

(1) State General Fund	500,000	
Total Governor's Contingency Fund ...	500,000	500,000

The above appropriation to the Governor's Contingency Fund shall be expended solely for expenses directly related to the operation of the Governor's Office and the Governor's mansions.

2D. OTHER FUNCTIONS OF GOVERNMENT FUNDED FROM THE STATE GENERAL FUND:

1. ADVERTISING LANDS FOR TAX SALE:

(a) State Revenue Administration Program, Estimated		60,000
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SOURCE OF FUNDS:

(1) State General Fund	60,000	
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As provided in Section 40-10-22, Code of Alabama 1975.

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Total Advertising Lands for Tax Sale	60,000	60,000
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2. ARREST OF ABSCONDING FELONS:

(a) Criminal Investigation Program, Estimated		65,000
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SOURCE OF FUNDS:

(1) State General Fund	65,000	
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As provided in Section 15-9-3, Code of Alabama 1975.

Total Arrest of Absconding Felons	65,000	65,000
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3. COSTS FOR REAPPORTIONMENT:

(a) Reapportionment Legal Advice and Legal Services Program, Estimated		50,000
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(b) Technical Services Related to Reapportionment		100,000
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SOURCE OF FUNDS:

(1) State General Fund	150,000	
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Total Costs for Reapportionment Program	150,000	150,000
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4. AUTOMATIC APPEAL EXPENSE:

(a) Legal Advice and Legal Services Program, Estimated		100
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SOURCE OF FUNDS:

(1) State General Fund	100	
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As provided in Section 12-22-150 and
Section 12-22-241, Code of Alabama 1975.

Total Automatic Appeal Expense	100	100
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5. CIVIL COURT COSTS IN CONNECTION WITH AD VALOREM TAX ASSESSMENTS APPEALS:

(a) State Revenue Administration Program, Estimated		200
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SOURCE OF FUNDS:

(1) State General Fund	200	
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As provided in Section 40-7-45, Code of Alabama 1975.

Total Civil Court Costs in Connection with Ad Valorem Tax Assessments Appeals	200	200
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6. CONSUMER UTILITY RATE HEARING:

(a) Executive Direction Program		250,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	250,000	
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As provided in Section 37-1-18 Code
of Alabama 1975.

Total Consumer Utility Rate Hearing	250,000	250,000
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7. COURT RELATED COSTS NOT OTHERWISE PROVIDED FOR:

(a) Court-Assessed Costs Provided in Code of Alabama 1975, Section 22- 52-14 and Act 87-574, Estimated		500,000
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(b) Legal Advice and Legal Services Program.		
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It is the intent of the Legislature that the appropriation in this subsection be expended for Court Costs to include costs of depositions, witness fees and expenses, filing and docket fees, court reporters, court judgments, attorneys fees, out-of-court settlements, and other expenses ordered by the court or normally identified as costs of court, when any of the above is approved by the Attorney General.

500,000

SOURCE OF FUNDS:

(1) State General Fund, Estimated	500,000	
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(2) State General Fund	500,000	
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Total Court Costs Not Otherwise Pro- vided for	1,000,000	1,000,000
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8. COURT COSTS-ACT NO. 558, 1957:

(a) Court Operations Program, Estimated		500
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SOURCE OF FUNDS:

(1) State General Fund	500	
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Pursuant to Act No. 558, 1957, page
777.

Total Court Costs-Act No. 558, 1957	500	500
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9. DISTRIBUTION OF PUBLIC DOCUMENTS:

(a) Administrative Support Services Program, Estimated		80,000
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SOURCE OF FUNDS:

(1) State General Fund	80,000	
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As provided in Sections 41-21-8, 36-14-1, and 36-14-11, Code of Alabama 1975.

Total Distribution of Public Documents	80,000	80,000
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10. STATE DOCKS TRANSFER		3,500,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	3,500,000	
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The above appropriation to the State Docks shall be conditional upon the availability of funds and shall remain in the State General Fund until a demonstrated need is determined and recommended by the Finance Director and approved by the Governor.

Total State Docks Transfer	3,500,000	3,500,000
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11. ELECTION EXPENSES:

(a) Special Services Program, Estimated		935,000
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(b) Training of Election Officials, Estimated		65,000
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For payment of expenses pursuant to the court order entered by the U.S. District Court, Middle District of Alabama in Civil Action No. 84-T-595-N.

SOURCE OF FUNDS:

(1) State General Fund	1,000,000	
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As provided in Section 17-4-153, Code of Alabama 1975.

Total Election Expenses	1,000,000	1,000,000
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12. EMERGENCY FUND, DEPARTMENTAL:

(a) Special Services Program		1,500,000
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SOURCE OF FUNDS:

(1) State General Fund	1,500,000	
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This is the appropriation contemplated in Section 41-4-94, Code of Alabama

1975, and shall be the only amount appropriated and the total amount expended under the provisions of said section. This appropriation shall be expended solely for the purpose of addressing a financial emergency within a state department, board, commission, bureau, office, or agency. None of the above appropriation may be transferred to the Governor's Contingency Fund.

None of the above appropriation may be used to fund any state department, fund, board, commission, bureau, office, or agency that has not been appropriated funds from any source under the provisions of this act.

Total Departmental Emergency Fund	1,500,000	1,500,000
13. FEEDING OF PRISONERS:		
(a) Institutional Services, Corrections Program, Estimated		3,000,000
SOURCE OF FUNDS:		
(1) State General Fund	3,000,000	
For expenses of feeding prisoners in county jails in accordance with Section 14-6-42, Code of Alabama 1975.		
Total Feeding of Prisoners	3,000,000	3,000,000
14. DEPARTMENT OF FINANCE-EMPLOYEES' SUGGESTION AWARDS PROGRAM:		
(a) Fiscal Management Program		15,000
SOURCE OF FUNDS:		
(1) State General Fund	15,000	
In accordance with Section 36-1-7, Code of Alabama 1975.		
Total Department of Finance-Employees' Suggestion Awards Program	15,000	15,000
15. DEPARTMENT OF FINANCE-FEMA:		
(a) Readiness and Recovery Program, Estimated		1,100,000
Payments of the State's share of administrative costs and matching grants furnished by the Federal Emergency Management Agency.		
SOURCE OF FUNDS:		
(1) State General Fund	1,100,000	

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Total Department of Finance-FEMA	1,100,000	1,100,000
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16. FOREST FIRE FUND, EMERGENCY:		
(a) Forest Resources Protection Program		180,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	180,000	
As provided by Section 9-3-10.1, <u>Code of Alabama 1975.</u>		
Total Emergency Forest Fire Fund	180,000	180,000
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17. GOVERNOR'S CONFERENCE, NATIONAL:		
(a) Executive Direction Program		135,760
SOURCE OF FUNDS:		
(1) State General Fund	135,760	
Total National Governor's Conference		
	135,760	135,760
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18. GOVERNOR'S COUNCILLOR:		
(a) Executive Direction Program, Estimated		26,000
SOURCE OF FUNDS:		
(1) State General Fund	26,000	
As provided in Section 36-13-13, <u>Code of Alabama 1975.</u>		
Total Governor's Councillor	26,000	26,000
<hr/>		
19. GOVERNOR'S PROCLAMATION EXPENSES:		
(a) Executive Direction Program, Estimated		200,000
SOURCE OF FUNDS:		
(1) State General Fund	200,000	
As provided in Section 17-14-21, <u>Code of Alabama 1975.</u>		
Total Governor's Proclamation Expenses	200,000	200,000
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20. GOVERNORS' WIDOWS RETIREMENT:		
(a) Executive Direction Program, Estimated		28,800
SOURCE OF FUNDS:		
(1) State General Fund	28,800	
As provided in Section 36-13-12, <u>Code of Alabama 1975.</u>		
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Total Governors' Widows Retirement	28,800	28,800
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21. INTERPRETER'S ACCOUNT:		
(a) Court Operations Program, Estimated		2,500
SOURCE OF FUNDS:		
(1) State General Fund	2,500	
As provided in Sections 12-21-131 et seq., <u>Code of Alabama 1975.</u>		
Total Interpreter's Account	2,500	2,500
<hr/>		
22. LAW ENFORCEMENT FUND:		
(a) Criminal Investigation Program ...		2,500
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	2,500	
As provided in Section 28-4-312, <u>Code of Alabama 1975.</u>		
Total Law Enforcement Fund	2,500	2,500
<hr/>		
23. LAW ENFORCEMENT LEGAL DEFENSE:		
(a) Legal Advice and Legal Services Program, Estimated		3,000
SOURCE OF FUNDS:		
(1) State General Fund	3,000	
To carry out provisions of Section 36- 21-1, <u>Code of Alabama 1975.</u>		
Total Law Enforcement Legal Defense	3,000	3,000
<hr/>		
24. LIABILITY INSURANCE FUND, STATE		1,000,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	1,000,000	
As provided in Section 36-1-6.1, <u>Code of Alabama 1975.</u>		
Total State Liability Insurance Fund	1,000,000	1,000,000
<hr/>		
Of the above appropriation \$40,000 is hereby appropriated to the Liability Insurance Board for administrative expenses.		
25. MAILING TAX NOTICES:		
(a) State Revenue Administration Program, Estimated		100
SOURCE OF FUNDS:		
(1) State General Fund	100	

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As provided in Section 40-7-25, Code of Alabama 1975.

Total Mailing Tax Notices	100	100
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26. MILITARY-EMERGENCY ACTIVE DUTY PAY:

(a) Military Operations Program, Estimated		200,000
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SOURCE OF FUNDS:

(1) State General Fund	200,000	
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As provided in Section 31-2-85, Code of Alabama 1975.

Total Military-Emergency Active Duty Pay	200,000	200,000
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27. POLICEMAN'S SURVIVOR TUITION ACT:

(a) Support of Other Educational Activities Program, Estimated		15,000
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SOURCE OF FUNDS:

(1) State General Fund	15,000	
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As provided in Sections 36-21-95 through 36-21-99, Code of Alabama 1975.

Total Policeman's Survivor Tuition Act	15,000	15,000
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28. PRESIDENTIAL ELECTORAL EXPENSE:

(a) Administrative Support Services Program, Estimated		2,000
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SOURCE OF FUNDS:

(1) State General Fund	2,000	
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As provided in Section 17-19-8, Code of Alabama 1975.

Total Presidential Electoral Expense ..	2,000	2,000
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29. PRINTING OF CODE SUPPLEMENTS-LEGISLATIVE REFERENCE SERVICE:

(a) Legislative Operations and Support Program, Estimated		500,000
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SOURCE OF FUNDS:

(1) State General Fund	500,000	
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As provided in Section 29-7-6, Code of Alabama 1975.

Total Printing of Code Supplements- Legislative Reference Service	500,000	500,000
30. PRINTING CODES AND SUP- PLEMENTS-SECRETARY OF STATE:		
(a) Administrative Support Services Program, Estimated		165,000
SOURCE OF FUNDS:		
(1) State General Fund	165,000	
As provided in Sections 41-21-1 and 41-21-154, <u>Code of Alabama 1975.</u>		
Total Printing Codes and Supple- ments-Secretary of State	165,000	165,000
31. PRINTING OF LEGISLATIVE ACTS AND JOURNALS:		
(a) Administrative Support Services Program, Estimated		500,000
SOURCE OF FUNDS:		
(1) State General Fund	500,000	
As provided in Sections 41-4-130 through 41-4-161, <u>Code of Alabama</u> <u>1975.</u>		
Total Printing of Legislative Acts and Journals	500,000	500,000
32. PRINTING OF STATE AND COUNTY PRIVILEGE LICEN- SES:		
(a) State Revenue Administration Program, Estimated		25,000
SOURCE OF FUNDS:		
(1) State General Fund	25,000	
Total Printing of State and County Privilege Licenses	25,000	25,000
33. REGISTRATION OF VOTERS:		
(a) Special Services Program, Estimated		1,000,000
SOURCE OF FUNDS:		
(1) State General Fund	1,000,000	
In accordance with Sections 17-4-126 and 17-4-153, <u>Code of Alabama 1975.</u>		

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Total Registration of Voters	1,000,000	1,000,000
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34. REMOVAL OF PRISONERS:

(a) Administrative Services and Logistical Support Program, Estimated		300,000
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SOURCE OF FUNDS:

(1) State General Fund	300,000	
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As provided in Sections 15-10-70 through 15-10-73 and 15-9-62, 15-9-65, and 15-9-81, Code of Alabama 1975.

Total Removal of Prisoners	300,000	300,000
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35. STATE GENERAL FUND,
ESTIMATED

57,000,000

SOURCE OF FUNDS:

(1) Heritage Trust Income Fund Transfer, Estimated	57,000,000	
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All income other than income realized on sale of Trust Fund assets and not otherwise appropriated herein.

Total State General Fund, Estimated	57,000,000	57,000,000
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36. STATE TREASURER-PREVIOUS YEAR'S UNPAID WARRANTS:

(a) Special Services Program, Estimated		200,000
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SOURCE OF FUNDS:

(1) State General Fund	200,000	
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As provided in Section 41-4-60, Code of Alabama 1975.

Total State Treasurer-Previous Year's Unpaid Warrants	200,000	200,000
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37. REPAYMENT-ACT 86-645 FUND NO. 305735		7,000,000
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Notwithstanding the provisions of Act #87-761 or any other law to the contrary, the above appropriation shall be conditioned on the availability of funds in the State General Fund and upon the approval of the Governor.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	7,000,000	
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Total Repayment-Act 86-645 Fund No. 305735	7,000,000	7,000,000
2E. DEBT SERVICE FUNDED FROM THE STATE GENERAL FUND:		
1. General Obligation Capital Im- provement Bonds, Series B, Estimated		1,184,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	1,184,000	
Total General Obligation Capital Im- provement Bonds, Series B, Estimated	1,184,000	1,184,000
2. General Obligation Coosa Water- way Bonds, Series A and B, Estimated		1,015,270
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	1,015,270	
Total General Obligation Coosa Water- way Bonds, Series A and B, Estimated	1,015,270	1,015,270
3. General Obligation Docks Facilities Bonds, Series A-C, Estimated		4,599,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	4,599,000	
Total General Obligation Docks Faci- lities Bonds, Series A-C, Estimated	4,599,000	4,599,000
4. Tennessee-Tombigbee Waterway Bonds, Series A and C-D, Estimated		3,401,367
SOURCE OF FUNDS:		
(1) State General Fund-Transfer, Estimated	3,401,367	
Pursuant to Constitutional Amend- ment No. 270 as provided in Act No. 248, 1967 Regular Session.		
Total Tennessee-Tombigbee Water- way Bonds, Series A and C-D, Estimated	3,401,367	3,401,367
5. Corrections Institution Bonds, Estimated		1,817,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer, Estimated	1,817,000	

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Pursuant to Constitutional Amendment No. 374 as provided for in Act No. 134, 1978 Second Special Session.

Total Corrections Institution Bonds, Estimated	1,817,000	1,817,000
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6. General Obligation Capital Bonds, 1982, Series A and B, and General Obligation Refunding Bonds, 1983, Series A and B, Estimated		66,665,897
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	66,665,897	
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Total General Obligation Capital Bonds, 1982, Series A and B, and General Obligation Refunding Bonds, 1983, Series A and B, Estimated	66,665,897	66,665,897
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2F. CONDITIONAL APPROPRIATIONS:

In addition to the appropriations heretofor made there is hereby appropriated to the following agencies from the State General Fund the following amounts in the following priority to be conditioned on the availability of funds in the State General Fund and the approval of the Governor:

1. Department of Finance-Capitol Renovation		3,000,000
2. Alabama Department of Economic and Community Affairs		3,000,000

State Planning Program for capital facilities to be used for scientific research conducted in the Birmingham area.

3. Public Safety, Automated Fingerprint Identification System		2,500,000
4. Department of Corrections		1,100,000

For expanded facilities at Bullock County.

5. Department of Corrections		2,213,452
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In addition, the following conditional appropriations are made after the above priority items are funded conditioned only on availability of funds and approval of the Governor:

6. Department of Finance-Capitol Renovation		6,385,000
7. Public Safety, Department of		2,667,308

8. Mental Health, Department of. For the reduction in cigarette tax revenue due to the issuance of Mental Health Bonds	4,200,000
9. Environmental Management, Department of	324,365
10. Ethics Commission	16,834
11. Farmer's Market Authority	532
12. Finance, Department of	675,139
13. Finance-Air Transportation	98,301
14. Examiners of Public Accounts	560,665
15. Legislative Reference Service	59,008
16. Department of Public Health. For the reduction in cigarette tax revenue due to the issuance of Mental Health Bonds	1,800,000
17. Governor's Office	148,752
18. Education, Department of	69,380
19. Building Commission	33,453
20. Labor, Department of	21,123
21. Insurance, Department of	362,653
22. Industrial Relations, Department of	195,315
23. Emergency Management Agency	155,789
24. Law Institute, Alabama	42,333
25. Secretary of State	118,282
26. Adjustment, Board of	100,000
27. Alabama Development Office	1,305,611
28. Farm Crisis and Transition Center	72,900
29. Forensic Sciences	283,058
30. Geological Survey	15,037
31. Governor's Mansion	7,445
32. Academy of Honor, Alabama	1,531
33. Cahawba Advisory Committee	382
34. Elk River Development Agency	171
35. Gorgas Memorial Board	3,210
36. Motor Sports Hall of Fame	20,766
37. TVA Exhibit Commission	250,000
38. Women's Commission, Alabama	399
39. Governor's Proclamation Expense	50,000
40. Election Expenses	1,500,000
41. Finance-Telephone Revolving Fund	188,895

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42. Oil and Gas Board	4,860
43. Soil and Water Conservation	495
44. Southern Growth Policies Board	1,113
45. Treasurer	2,982
46. Veterans' Affairs	5,126
47. Auditor's Office	39,591
48. Youth Services	236,931
49. Departmental Emergency Fund ...	500,000
50. Fair Trial Tax Transfer	500,000
51. Department of Finance-FEMA	200,000
52. Military Emergency Active Duty Pay	100,000
53. Policeman's Survivor Tuition Act	15,000
54. Registration of Voters	660,000
55. Legislative Fiscal Office	92,462
56. State Treasurer-Previous Year Unpaid Warrant	75,000
57. Advertising Lands For Tax	55,000
58. Conservation and Natural Resources	992,813
59. Economic and Community Affairs	1,340,000
60. Governor's Mansion Advisory Board-Capital Outlay	250,363
61. Alabama Trust Fund Board	200,000
62. District Attorneys	102,571
63. Feeding of Prisoners	1,000,000

SECTION 3. That, except as may be herein otherwise provided, amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Sections 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Sections 41-4-80 et seq., Code of Alabama 1975, and the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975.

SECTION 4. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission, or agency is insufficient to pay salaries in that office, department, bureau, board, commission or agency.

SECTION 5. In addition to appropriations herein made, all gifts, grants, contributions, or entitlements, in excess of the amount carried in the bill, including

grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Notwithstanding any laws to the contrary, any receipts during fiscal year 1988-89 which exceed an amount of up to 1% of such fiscal year state revenue receipts or up to \$100,000, whichever is greater, to any state fund or from any state revenue source that exceed the amount appropriated by this Act to any state fund, department, agency, division, board, bureau, commission, institution, or office with the exception of revenue to the Real Estate Commission; the Board of Cosmetology; the Department of Finance-Data Systems Management; Telephone Revolving Fund; Alabama Building Finance Authority; Capitol Complex Maintenance and Repair; Alabama Building Authority; Central Mail and Supply; Motor Pool; and Printing and Publications; Alabama Manufactured Housing Commission; and funds constitutionally earmarked for construction and maintenance of public roads and bridges shall be transferred to the State General Fund within thirty (30) days after September 30, 1989. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama, 1975.

SECTION 6. Under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, any interest earned by the State thereon, together with any accruals or reversions accruing from Revenue Sharing Investments are hereby appropriated to the State General Fund. In the event that \$7,000,000 is repaid to the Revenue Sharing Account during FY 1988-89, any interest earned on that \$7,000,000 shall be appropriated to the Governor's Contingency Fund.

SECTION 7. All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized in Section 41-4-93, Code of Alabama 1975, shall lapse on September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the State General Fund or the trust fund from which the appropriation or appropriations were made.

SECTION 8. The appropriations made herein to the departments, boards, offices, commissions, and agencies include the amount necessary and said departments, boards, offices, commissions, and agencies are hereby directed to make the transfer of funds to the State Personnel Department in the amounts enumerated in Section 2C, Subsection 97.

SECTION 9. That, if any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 10. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

SECTION 11. That each Department of the State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

SECTION 12. That this Act shall become effective October 1, 1988.

MOTION TO TABLE LOST

The motion offered by Rep. Adams to table the substitute offered by Rep. Harper to the bill, H. 9, was lost.

Yeas 44; Nays 48.

Yeas:

Reps. Adams, Beers, Blake, Blakeney, Breedlove, Brooks, Cosby, Crow, Curry, Dillard, Escott, Flowers, Frazier, Gaston, Gray, Grouby, Hamilton, Hammett, Harvey, Hill, Hogan, Hooper, Knight, Kvalheim, Laird, Marks, McKee, McMillan, Mikell, Newton, Penry, Perdue, Petelos, Poole, Richardson, Seibels, Spratt, Turner, Venable, Walker, Warren, White (G), Willis and Wright.

—44

Nays:

Mr. Speaker, Beasley, Black, Bowling, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Davis, Faulk, Ford, Freeman, Fuller, Goodwin, Grayson, Hall, Harper, Haynes, Higginbotham, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Layson, Lindsey, Mathis, McClain, McDowell, Moon, Newman, Parker, Payne, Rogers, Starkey, Thomas, Turnham, White (F), White (L) and Zoghby.

—48

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Adams to indefinitely postpone the substitute offered by Rep. Harper to the bill, H. 9, was lost.

Yeas 43; Nays 52.

Yeas:

Reps. Adams, Beers, Biddle, Blake, Blakeney, Breedlove, Brooks, Cosby, Crow, Curry, Dillard, Flowers, Frazier, Gaston, Gray, Grouby, Hamilton, Hammett, Harvey, Headley, Hill, Hogan, Hooper, Knight, Kvalheim, Laird, Marks, McKee, McMillan, Mikell, Newton, Perdue, Petelos, Poole, Richardson, Seibels, Spratt, Turner, Venable, Walker, Warren, White (G) and Wright.

—43

Nays:

Mr. Speaker, Black, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Davis, Escott, Faulk, Ford, Freeman, Fuller, Goodwin, Grayson, Hall, Harper, Haynes, Higginbotham, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Layson, Lindsey, Marietta, Mathis, McClain, McDowell, Melton, Moon, Newman, Parker, Payne, Penry, Rogers, Slaught, Starkey, Turnham, White (F), White (L), Williams, Willis and Zoghby.

—52

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Harper to the bill, H. 9, and the substitute was adopted.

Yeas 85; Nays 9.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Escott, Faulk, Flowers, Ford, Freeman, Fuller, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—85

Nays:

Reps. Brooks, Frazier, Gaston, Gray, Hooper, Kvalheim, McKee, McMillan and Seibels.

—9

AMENDMENT OFFERED

Rep. Harper offered the following amendment to the bill, H. 9 as amended:

To amend the substitute House Bill 9 on page 39, line 31 by deleting the figure "5,836,974" and inserting in lieu thereof the figure "6,036,974".

Further amend the bill on page 40, line 10 by deleting the figure "5,679,501" and inserting in lieu thereof the figure "5,879,501".

Further amend the bill on page 40, line 15 by deleting the figures "5,870,945" and "6,028,418" and inserting in lieu thereof the figures "6,070,945" and "6,228,418" respectively.

Further amend the bill on page 3, lines 9 and 14 by deleting the figure "8,425,687" and inserting in lieu thereof the figure "8,625,687".

Further amend the bill on page 3, lines 11 and 14 by deleting the figure "8,225,687" and inserting in lieu thereof the figure "8,425,687".

Further amend the bill on page 58, line 24 by deleting the figure "536,786,519" and inserting in lieu thereof the figure "537,286,519".

Further amend the bill on page 60, line 13 by deleting the figure "108,176,779" and inserting in lieu thereof the figure "108,676,779".

Further amend the bill on page 60, line 25 by deleting the figures "114,226,351" and "536,786,519" and inserting in lieu thereof the figures "114,726,351" and "537,286,519" respectively.

Further amend the bill on page 94, after line 34 by adding the following and renumbering the succeeding subsections accordingly:

"14. Department of Finance-Capitol

Renovation:

(a) Special Services Program

3,000,000

SOURCE OF FUNDS:

(1) State General Fund-Capital

Outlay	3,000,000	
Total Department of Finance-Capitol Renovation	3,000,000	3,000,000"

Further amend on page 51, line 21 and page 52, line 16 by deleting the figure "952,540" and inserting in lieu thereof the figure "982,540".

Further amend on page 52, line 20 by deleting the figures "2,517,295" and "3,342,947" and inserting in lieu thereof the figures "2,547,295" and "3,372,947" respectively.

Further amend on page 79, lines 9 and 11 by deleting the figure "778,627" and inserting in lieu thereof the figure "896,627".

Further amend on page 79, lines 7 and 11 by deleting the figure "1,157,627" and inserting in lieu thereof the figure "1,275,627".

Further amend on page 73, lines 26 and 30 by deleting the figure "360,589" and inserting in lieu thereof the figure "462,388".

Further amend on page 73, lines 23 and 30 by deleting the figure "1,287,427" and inserting in lieu thereof the figure "1,389,226".

Further amend on page 43, after line 7 by inserting the following new line:

"(b) Capital Outlay 250,000"

Further amend on page 43, lines 9 and 11 by deleting the figure "9,073" and inserting in lieu thereof the figure "259,073".

Further amend on page 43, lines 20, 22 and 23 by deleting the figure "1,461,150" and inserting in lieu thereof the figure "1,559,403".

Further amend on page 86, line 8 by deleting the figure "1,909,310" and inserting in lieu thereof the figure "2,145,378".

Further amend on page 86, line 18 by deleting the figure "617,977" and inserting in lieu thereof the figure "854,045".

Further amend on page 86, line 21 by deleting the figures "2,967,909" and "4,259,242" and inserting in lieu thereof the figures "3,203,977" and "4,495,310" respectively.

Further amend on page 34, lines 8 and 32 by striking the figure "43,429,034" and inserting in lieu thereof the figure "43,753,399".

Further amend on page 34, line 11 by striking the figure "4,345,745" and inserting in lieu thereof the figure "4,670,110".

Further amend the bill on page 34, line 32 by deleting the figure "7,070,745" and inserting in lieu thereof the figure "7,395,110".

Further amend the bill on page 35, lines 31 and 33 by deleting the figure "7,509,578" and inserting in lieu thereof the figure "8,184,578".

Further amend the bill on page 35, line 28 by deleting the figure "4,052,907" and inserting in lieu thereof the figure "4,492,040".

Further amend the bill on page 35, line 26 by deleting the figure "3,465,671" and inserting in lieu thereof the figure "3,701,538".

Further amend the bill on page 35, line 33 by deleting the figure "7,559,578" and inserting in lieu thereof the figure "8,234,578".

Further amend on page 20, line 12 by striking the figure "23,486,000" and inserting in lieu thereof the figure "24,486,000".

Further amend on page 21, line 7 by striking the figure "636,000" and inserting in lieu thereof the figure "1,636,000".

Further amend on page 22, line 23, by striking the figures "636,000" and "46,161,845" and inserting in lieu thereof the figures "1,636,000" and "47,161,845" respectively.

Further amend on page 23, line 27 by striking the figure "100,987,991" and inserting in lieu thereof the figure "103,187,991".

Further amend on page 24, line 18 and on page 25, line 13 by striking the figure "107,431,074" and inserting in lieu thereof the figure "109,631,074".

Further amend on page 25, line 13 by striking the figure "131,680,374" and inserting in lieu thereof the figure "133,880,374".

Further amend on page 74, line 15 by striking the figure "19,019,448" and inserting in lieu thereof the figure "20,019,448".

Further amend on page 74, lines 25 and 27 by striking the figure "48,395,697" and inserting in lieu thereof the figure "49,395,697".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Dillard, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Laird, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—87

AMENDMENT OFFERED

Rep. Carothers offered the following amendment to the bill, H. 9 as amended:

To amend the substitute to H.B. 9 on page 15 after line 10 by adding the following:

"In addition to the above appropriation to the Alcoholic Beverage Control Board there is hereby appropriated \$5,000,000 to be conditional on the

availability of funds in the State General Fund and the approval of the Governor."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 90; Nays 3.

Yeas:

Mr. Speaker, Beers, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Seibels, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—90

Nays: Reps. Coburn, Grayson and Harper.

—3

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 8. To levy a privilege tax, on the pari-mutuel pool at any dog race track in the State of Alabama; to provide for the total take out by a licensee on pari-mutuel pools; to provide for the assessment and collection of such tax; to confer powers and impose duties on the Department of Revenue; to prescribe penalties for non-compliance; to provide for the distribution of the proceeds of such tax; and to provide for the requirements and procedures for the withholding of income tax due the State of Alabama on certain winnings from gambling and wagering and the requirements and procedures for the remittance of such withholding to the Department of Revenue.

TOMMY CARTER,
Chairman.

And the bill, H. 8 as engrossed, was ordered sent to the Senate.

H. 9 RESUMED

AMENDMENT OFFERED

Rep. Holley offered the following amendment to the bill, H. 9 as amended:

Amend H. B. 9 as substituted on page 41, line 8 by adding the following sentence:

"Said amount shall be distributed equally among certified volunteer fire departments and fire districts."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 85; Nays 1.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newton, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Rogers, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

—85

Nay: Rep. Seibels.

—1

AMENDMENT OFFERED

Rep. Layson offered the following amendment to the bill, H. 9 as amended:

AMENDMENT TO H. B. 9 AS SUBSTITUTED

Amend H. B. 9 as substituted on page 40 line 30 and page 41 line 10 by striking the figure "22,082,939" and inserting in lieu thereof the figure "23,082,939",

Further amend the bill on page 40 line 34 by striking the figure "7,205,814 and inserting in lieu thereof the figure "8,205,814".

Further amend on page 41 line 10 by striking the figure "10,007,439" and inserting in lieu thereof "11,007,439".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Flowers, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey,

Thomas, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—88

AMENDMENT OFFERED

Rep. Hooper offered the following amendment to the bill, H. 9 as amended:

To amend the substitute to H. B. 9 on page 87 after line 36 by adding the following:

“In addition to the above appropriation there is hereby conditionally appropriated \$2,000,000 to be conditioned on the condition of the State General Fund and the approval of the Governor. Of this \$2,000,000 conditionally appropriated, \$2,000,000 shall be used for the U.S. Air Force Standards System Center, Montgomery.”

AMENDMENT TABLED

On motion of Rep. Buskey (JE), the amendment offered by Rep. Hooper to the bill, H. 9 as amended, was tabled.

Yeas 43; Nays 38.

Yeas:

Reps. Black, Box, Bryant, Buskey (JE), Campbell, Carothers, Carter, Clark (W), Coburn, Davis, Dillard, Escott, Faulk, Ford, Freeman, Fuller, Grayson, Hall, Haynes, Headley, Higginbotham, Hill, Johnson (RG), Johnson (RW), Junkins, Kennedy, Marietta, Mathis, McClain, McDowell, Moon, Newman, Newton, Parker, Payne, Perdue, Rains, Richardson, Spratt, Starkey, Thomas, White (L) and Zoghby.

—43

Nays:

Mr. Speaker, Adams, Beers, Biddle, Blake, Blakeney, Breedlove, Brooks, Burke, Buskey (JL), Butler, Cosby, Curry, Flowers, Gaston, Gray, Grouby, Holley, Hooper, Knight, Kvalheim, Laird, Marks, McKee, McMillan, Melton, Mikell, Petelos, Poole, Seibels, Slaughter, Turner, Venable, Walker, Warren, White (F), White (G) and Wright.

—38

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, H. 9 as amended:

Amend House Bill 9, as substituted on Page 12, line 26, by deleting the amount “4,000,000” and inserting in lieu thereof the amount 2,000,000.

Further amend House Bill 9, as substituted on page 12, line 26 by deleting the words “The appropriation” and by deleting lines 27, 28 and 29 in their entirety and on line 30 by deleting the words “General Fund.”

Further amend House Bill 9, as substituted on page 13, line 16 by deleting the words “The sum”, and by deleting lines 17-21 in their entirety and on line 22 by deleting the words “same period.”

Further amend House Bill 9, as substituted on page 43, line 32 by deleting the amount "64,630,465" and inserting in lieu thereof the figure 62,630,465.

Further amend House Bill 9, as substituted on page 45, line 10 by deleting the amount "4,000,000" and inserting in lieu thereof the amount 2,000,000.

Further amend House Bill 9, as substituted on page 45, line 14, by deleting the amounts "100,119,616" and 126,170,979" and insert in lieu thereof the amounts 98,119,616 and 124,170,979 respectively.

MOTION TO TABLE LOST

The motion offered by Rep. Harper to table the amendment offered by Rep. Venable to the bill, H. 9 as amended, was lost.

Yeas 41; Nays 41.

Yeas:

Mr. Speaker, Black, Box, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Davis, Ford, Freeman, Fuller, Goodwin, Grayson, Hall, Harper, Haynes, Headley, Higginbotham, Holley, Johnson (RG), Johnson (RW), Kennedy, Lindsey, Marietta, Mathis, McClain, McDowell, Newman, Parker, Rogers, Slaughter, Spratt, Starkey, Thomas, Turnham, Williams and Zoghby.

—41

Nays:

Reps. Adams, Beers, Biddle, Blake, Blakeney, Breedlove, Brooks, Butler, Cosby, Crow, Curry, Escott, Flowers, Frazier, Gaston, Gray, Grouby, Hamilton, Hammett, Harvey, Hill, Hogan, Hooper, Knight, Kvalheim, Laird, Marks, McKee, McMillan, Melton, Mikell, Moon, Newton, Payne, Petelos, Rains, Richardson, Venable, Warren, Willis and Wright.

—41

AMENDMENT INDEFINITELY POSTPONED

On motion of Rep. Holley, the amendment offered by Rep. Venable to the bill, H. 9 as amended, was indefinitely postponed.

Yeas 52; Nays 31.

Yeas:

Mr. Speaker, Black, Box, Bryant, Bugg, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Davis, Escott, Ford, Freeman, Fuller, Goodwin, Hall, Harper, Haynes, Headley, Higginbotham, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Lindsey, Marietta, Mathis, McClain, McDowell, Melton, Moon, Newman, Newton, Parker, Penry, Perdue, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, White (L), Williams and Zoghby.

—52

Nays:

Reps. Adams, Beers, Blake, Blakeney, Breedlove, Cosby, Crow, Curry, Frazier, Gaston, Gray, Grouby, Hamilton, Hammett, Harvey, Hill, Hogan, Hooper,

Knight, Laird, McKee, Mikell, Payne, Petelos, Poole, Seibels, Venable, Warren, White (G), Willis and Wright.

—31

AMENDMENT OFFERED

Rep. Turnham offered the following amendment to the bill, H. 9 as amended:

Amend Substitute to House Bill 9, page 55, by deleting lines 24 through 28 in their entirety.

AMENDMENT TABLED

On motion of Rep. Coburn, the amendment offered by Rep. Turnham to the bill, H. 9 as amended, was tabled.

Yeas 47; Nays 22.

Yeas:

Reps. Blake, Box, Bryant, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Coburn, Curry, Davis, Dillard, Escott, Faulk, Ford, Frazier, Freeman, Fuller, Goodwin, Grayson, Hall, Hamilton, Harper, Haynes, Johnson (RG), Junkins, Kennedy, Marietta, Mathis, McClain, McDowell, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Rains, Richardson, Rogers, Spratt, Starkey, Thomas and White (F).

—47

Nays:

Reps. Adams, Beers, Breedlove, Cosby, Flowers, Gaston, Grouby, Higginbotham, Johnson (RW), Knight, Kvalheim, Laird, McMillan, Mikell, Petelos, Poole, Seibels, Turnham, Warren, White (G), Williams and Wright.

—22

AMENDMENT OFFERED

Rep. Flowers offered the following amendment to the bill, H. 9 as amended:

Amend House Bill 9 as substituted on page 55, line 36, by deleting the figure "2,365,123" and inserting in lieu thereof the figure 2,715,123.

Further amend House Bill 9 as substituted on page 56, lines 6 and 15, by deleting the figure "1,254,670" every time it appears and inserting in lieu thereof the figure 1,604,670.

Further amend House Bill 9 as substituted on page 56, line 15, by deleting the figure "2,365,123" and inserting in lieu thereof the figure 2,715,123.

Further amend House Bill 9 as substituted on page 56 by deleting lines 16 through 22 in their entirety.

Further amend House Bill 9 as substituted on page 81, line 16 and 18, by deleting the figure "490,000" every time it appears and inserting in lieu thereof the figure 140,000.

Further amend House Bill 9 as substituted on page 81, by deleting line 14 in its entirety.

AMENDMENT TABLED

On motion of Rep. Harper, the amendment offered by Rep. Flowers to the bill, H. 9 as amended, was tabled.

Yeas 50; Nays 17.

Yeas:

Mr. Speaker, Beers, Biddle, Blake, Box, Breedlove, Bryant, Bugg, Burke, Buskey (JL), Campbell, Carothers, Carter, Cosby, Davis, Dillard, Escott, Faulk, Ford, Freeman, Gaston, Goodwin, Harper, Higginbotham, Hogan, Holley, Johnson (RW), Junkins, Kennedy, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Richardson, Rogers, Seibels, Spratt, Starkey, White (G) and Williams.

—50

Nays:

Reps. Adams, Clark (W), Flowers, Frazier, Fuller, Grouby, Hall, Hammett, Kvalheim, Laird, Mikell, Poole, Rains, Venable, White (F), White (L) and Zoghby.

—17

MOTION TO RECONSIDER

Having voted on the prevailing side, Rep. Mathis offered the motion to reconsider the vote by which the amendment offered by Rep. Hooper to the bill, H. 9 as amended, was lost.

MOTION TO TABLE LOST

The motion offered by Rep. Johnson (RW) to table the motion to reconsider offered by Rep. Mathis was lost.

Yeas 41; Nays 43.

Yeas:

Reps. Black, Blake, Box, Bryant, Bugg, Burke, Buskey (JE), Carter, Clark (W), Coburn, Davis, Faulk, Ford, Freeman, Fuller, Goodwin, Grayson, Hall, Harper, Haynes, Higginbotham, Hill, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Marietta, Marks, McClain, McDowell, Newman, Parker, Perdue, Rogers, Seibels, Starkey, Thomas, Turnham, White (L) and Williams.

—41

Nays:

Reps. Adams, Beers, Blakeney, Breedlove, Brooks, Buskey (JL), Butler, Carothers, Cosby, Crow, Dillard, Escott, Flowers, Frazier, Gaston, Grouby, Hamilton, Hammett, Harvey, Headley, Hogan, Hooper, Knight, Kvalheim, Laird, Lindsey, Mathis, McKee, McMillan, Melton, Mikell, Payne, Penry,

Petelos, Poole, Rains, Richardson, Venable, Walker, White (G), Willis, Wright and Zoghby.

—43

MOTION TO RECONSIDER LOST

The question was then on the motion offered by Rep. Mathis to reconsider the vote by which the amendment offered by Rep. Hooper to the bill, H. 9 as amended, was lost, and the motion to reconsider was lost.

Yeas 37; Nays 40.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Breedlove, Brooks, Butler, Cosby, Dillard, Escott, Flowers, Frazier, Gaston, Gray, Grouby, Harvey, Headley, Hogan, Hooper, Knight, Kvalheim, Laird, Lindsey, Mathis, McKee, McMillan, Mikell, Payne, Poole, Rains, Spratt, Walker, Wright and Zoghby.

—37

Nays:

Reps. Box, Bryant, Bugg, Buskey (JE), Carter, Clark (W), Coburn, Crow, Curry, Davis, Faulk, Ford, Freeman, Fuller, Goodwin, Grayson, Hall, Hamilton, Harper, Haynes, Hill, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Marietta, McClain, McDowell, Moon, Parker, Penry, Rogers, Seibels, Starkey, Thomas, Warren, White (L), Williams and Willis.

—40

AMENDMENT OFFERED

Rep. Adams offered the following amendment to the bill, H. 9 as amended:

Amend H. B. 9 as substituted on page 88 by deleting lines 23-28 in their entirety.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 57; Nays 33.

Yeas:

Reps. Beers, Biddle, Blake, Blakeney, Breedlove, Brooks, Burke, Butler, Cosby, Crow, Curry, Dillard, Escott, Flowers, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hammett, Harvey, Headley, Hill, Hogan, Holmes, Hooper, Knight, Kvalheim, Laird, Layson, Lindsey, Marks, McKee, McMillan, Melton, Mikell, Newton, Payne, Perdue, Petelos, Poole, Rains, Richardson, Seibels, Spratt, Starkey, Thomas, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Willis and Wright.

—57

Nays:

Mr. Speaker, Black, Box, Bryant, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Davis, Fuller, Grayson, Harper, Haynes, Higginbotham, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy,

Marietta, Mathis, McClain, McDowell, Moon, Newman, Parker, Rogers, Slaughter, Williams and Zoghby.

—33

AMENDMENT OFFERED

Rep. Hill offered the following amendment to the bill, H. 9 as amended:

To amend the substitute to H. B. 9 on page 9 on line 13 by adding after the period the following:

“Provided however any new area agencies on aging or Regional Planning Development Commissions formed in the fiscal year ending September 30, 1989 shall receive a pro rata share of this funding on the same basis as existing said agencies are funded.”

AMENDMENT TABLED

On motion of Rep. Newton, the amendment offered by Rep. Hill to the bill, H. 9 as amended, was tabled.

Yeas 33; Nays 29.

Yeas:

Mr. Speaker, Black, Bryant, Burke, Buskey (JE), Campbell, Carothers, Clark (W), Coburn, Curry, Davis, Escott, Gaston, Gray, Grouby, Harper, Haynes, Johnson (RG), Laird, Marietta, Mathis, McClain, McDowell, Newton, Perdue, Poole, Rogers, Seibels, Slaughter, Spratt, Warren, White (G) and Zoghby.

—33

Nays:

Reps. Adams, Beers, Biddle, Blake, Box, Cosby, Dillard, Flowers, Freeman, Hall, Harvey, Higginbotham, Hill, Hogan, Holley, Johnson (RW), Knight, Marks, McMillan, Mikell, Newman, Payne, Penry, Rains, Richardson, Turner, White (L), Williams and Wright.

—29

AMENDMENT OFFERED

Rep. Beers offered the following amendment to the bill, H. 9 as amended:

Amend House Bill 9 as substituted on page 88, lines 18, 20, and 22, by deleting the figure “500,000” and inserting in lieu thereof the figure 1,452,540.

Further amend House Bill 9 as substituted on page 52, line 20, by deleting the figures “2,517,295” and “3,342,947” and inserting in lieu thereof the figures 1,564,755 and 2,390,407.

Further amend House Bill 9 as substituted on page 88, by deleting lines 23 through 28 in their entirety.

AMENDMENT TABLED

On motion of Rep. Harper the amendment offered by Rep. Beers to the bill, H. 9 as amended, was tabled.

Yeas 52; Nays 36.

Yeas:

Mr. Speaker, Adams, Black, Blake, Box, Bryant, Bugg, Buskey (JE), Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Davis, Ford, Freeman, Fuller, Grayson, Hall, Hammett, Harper, Haynes, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Marietta, Marks, Mathis, McClain, McDowell, Melton, Moon, Newman, Parker, Penry, Poole, Richardson, Rogers, Slaughter, Starkey, Thomas, Venable, White (F), White (L), Williams, Willis and Zoghby.

—52

Nays:

Reps. Beers, Biddle, Breedlove, Brooks, Burke, Butler, Cosby, Curry, Dillard, Escott, Flowers, Frazier, Gaston, Goodwin, Gray, Grouby, Hamilton, Harvey, Hill, Knight, Kvalheim, Laird, Lindsey, Logan, McKee, McMillan, Newton, Payne, Petelos, Rains, Spratt, Turner, Walker, Warren, White (G) and Wright.

—36

AMENDMENT OFFERED

Rep. Wright offered the following amendment to the bill, H. 9 as amended:

Amend House Bill 9 as substituted on page 88, lines 18, 20, and 22, by deleting the figure "500,000" and inserting in lieu thereof the figure 900,000.

Amend House Bill 9 as substituted on page 51, line 21, by deleting the figure "952,540" and inserting in lieu thereof the figure 552,540.

Further amend House Bill 9 as substituted on page 52, line 16, by deleting the figure "952,540" and inserting in lieu thereof the figure 552,540.

Further amend House Bill 9 as substituted on page 52, line 20, by deleting the figures "2,517,295" and "3,342,947" and inserting in lieu thereof the figures 2,117,295 and 2,942,947.

AMENDMENT TABLED

On motion of Rep. Harper, the amendment offered by Rep. Wright to the bill, H. 9 as amended, was tabled.

Yeas 45; Nays 38.

Yeas:

Mr. Speaker, Black, Box, Bryant, Bugg, Buskey (JE), Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Davis, Freeman, Fuller, Grayson, Hall, Harper, Haynes, Higginbotham, Hogan, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Layson, Marietta, Mathis, McClain, McDowell, Melton, Moon, Newman, Parker, Rogers, Slaughter, Starkey, Thomas, Turnham, Venable, White (L), Williams, Willis and Zoghby.

—45

Nays:

Reps. Adams, Beers, Biddle, Blakeney, Brooks, Burke, Butler, Cosby, Curry, Escott, Flowers, Ford, Frazier, Gaston, Gray, Grouby, Hamilton, Hammett,

Hill, Hooper, Knight, Kvalheim, Laird, Lindsey, Logan, Marks, McKee, Mikell, Payne, Petelos, Rains, Spratt, Turner, Walker, Warren, White (F), White (G) and Wright.

—38

AMENDMENT OFFERED

Rep. Knight offered the following amendment to the bill, H. 9 as amended:

Amend H. B. 9 as substituted on page 93, lines 21 and 23, by deleting the figure "1,500,000" every time it appears and inserting in lieu thereof the figure 2,000,000.

Further amend H. B. 9 as substituted on Page 94, line 23, by deleting the figure "1,500,000" and inserting in lieu thereof the figure 2,000,000.

Further amend H. B. 9 as substituted on page 94, lines 26, 28, and 34, by deleting the figure "3,000,000" every time it appears and inserting in lieu thereof the figure 2,500,000.

AMENDMENT TABLED

On motion of Rep. Harper, the amendment offered by Rep. Knight to the bill, H. 9 as amended, was tabled.

Yeas 46; Nays 31.

Yeas:

Mr. Speaker, Black, Blake, Box, Bryant, Bugg, Burke, Buskey (JE), Campbell, Carothers, Carter, Clark (W), Coburn, Davis, Faulk, Freeman, Fuller, Goodwin, Grayson, Hall, Harper, Haynes, Higginbotham, Holley, Johnson (RG), Johnson (RW), Junkins, Kennedy, Laird, Layson, Marietta, Marks, Mathis, McDowell, Melton, Moon, Newman, Parker, Payne, Penry, Petelos, Rogers, Thomas, Turnham, Williams and Zoghby.

—46

Nays:

Reps. Beers, Biddle, Blakeney, Brooks, Cosby, Curry, Dillard, Escott, Frazier, Gaston, Hamilton, Hammett, Headley, Hill, Hooper, Knight, Kvalheim, Lindsey, Logan, McMillan, Mikell, Poole, Rains, Richardson, Slaughter, Spratt, Walker, Warren, White (F), White (G) and Wright.

—31

AMENDMENT OFFERED

Rep. Turner offered the following amendment to the bill, H. 9 as amended:

Amend Floor Substitute to House Bill 9, on Page 105, line 8, by deleting the words "in the following priority"

Further amend Floor Substitute to House Bill 9, on page 105, by deleting lines 26, 27 and 28 in their entirety.

AMENDMENT ADOPTED

And the amendment was adopted.

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Yeas 90; Nays 1.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Box, Brooks, Bryant, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—90

Nay: Rep. Grayson.

—1

And the bill, H. 9 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 97; Nays 1.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—97

Nay: Rep. McMillan.

—1

H. 10 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 10, was temporarily carried over.

H. 32 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 32, was temporarily carried over.

H. 40 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 40, was temporarily carried over.

H. 42 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 42, was temporarily carried over.

And the bill:

H. 38. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1989, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Carothers, Carter, Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—88

H. 16 TEMPORARILY CARRIED OVER

On motion of Rep. Harper, the bill, H. 16, was temporarily carried over.

MOTION TO CARRY OVER TABLED

On motion of Rep. Harper, the motion offered by Rep. Flowers to temporarily carry over the bill, H. 17, was tabled.

Yeas 65; Nays 7.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blake, Box, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Carothers, Carter, Clark (W), Coburn, Cosby, Davis, Dillard, Escott, Ford, Frazier, Fuller, Gaston, Goodwin, Grouby, Hall, Hamilton, Harper, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RW), Junkins, Kennedy, Kvalheim, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Moon, Newman, Payne, Penry, Rains, Seibels, Slaughter, Spratt, Starkey, Thomas, Turnham, Warren, White (F), White (G), White (L), Williams, Wright and Zoghby.

—65

Nays: Reps. Brooks, Curry, Flowers, Grayson, Hill, Knight and Laird.

—7

And the bill:

H. 17. To make an appropriation of \$100,000 from the State General Fund to America's Junior Miss Pageant, Inc. for the fiscal year ending September 30, 1989.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 4.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Davis, Dillard, Escott, Faulk, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Poole, Rains, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—82

Nays: Reps. Brooks, Grayson, Hill and Johnson (RG).

—4

MOTION TO ADJOURN LOST

The motion offered by Rep. Laird that the House adjourn until 2:00 o'clock p.m., Thursday, September 29, 1988, was lost.

Yeas 6; Nays 76.

Yeas: Reps. Black, Breedlove, Flowers, Hill, Laird and Wright.

—6

Nays:

Mr. Speaker, Adams, Beers, Biddle, Blake, Box, Brooks, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Faulk, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Harper, Headley, Higginbotham, Hogan, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Kvalheim, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Moon, Newman, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Seibels, Slaughter, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

—76

BILLS ON THIRD READING RESUMED

And the bill:

H. 16. To make an appropriation from the State General Fund to the Mallard Fox Creek Port and Industrial Park for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Box, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers,

Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Ford, Frazier, Freeman, Fuller, Gaston, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Headley, Higginbotham, Hogan, Holley, Holmes, Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—86

And the bill:

H. 18. To make an appropriation of \$20,000 from the State General Fund to Brierfield Ironworks for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Box, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McMillan, Melton, Mikell, Moon, Newton, Payne, Penry, Petelos, Poole, Rains, Richardson, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—84

BILLS ON THIRD READING RESUMED

And the bill:

H. 19. To make an appropriation for the support and maintenance of the Cleveland Avenue YMCA for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 2.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Box, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Frazier, Freeman, Fuller, Goodwin, Grayson, Grouby, Hall, Hammett, Harper, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RW), Junkins, Kennedy, Knight, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell,

McMillan, Melton, Mikell, Moon, Newman, Newton, Payne, Penry, Perdue, Poole, Rains, Richardson, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—81

Nays: Reps. Breedlove and Brooks.

—2

CO-SPONSORS ADDED

Reps. Holmes, Buskey (JL) and Walker.

And the bill:

H. 20. To make an appropriation of \$50,000 from the State General Fund to Desoto Commission for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 4.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Box, Breedlove, Brooks, Bryant, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Grayson, Grouby, Hamilton, Hammett, Harper, Headley, Higginbotham, Hogan, Holmes, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McDowell, Melton, Moon, Newman, Newton, Payne, Penry, Perdue, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—81

Nays: Reps. Hall, Kvalheim, McMillan and Mikell.

—4

And the bill:

H. 40. (With Substitute): To amend Section 40-12-223, Code of Alabama 1975, for the purpose of exempting from the leasing tax imposed by Sections 40-12-220 through 40-12-227, Code of Alabama 1975, the gross proceeds derived from the leasing of tangible personal property pursuant to a sale-lease back financing that meets certain conditions, including the initial acquisition of such property by the lessee or by an entity controlled, by, or under common control with, the lessee, the subsequent sale of such property to the lessor, and the leasing back of such property from the lessor by the lessee pursuant to a lease which, among other things, has a term of not less than fifteen years and does not constitute a sale for either Alabama or federal income tax purposes or both.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 40-12-223, Code of Alabama 1975, for the purpose of exempting from the leasing tax imposed by Sections 40-12-220 through 40-12-227, Code of Alabama 1975, the gross proceeds derived from the leasing of tangible personal property pursuant to a sale-lease back financing that meets certain conditions, including the initial acquisition of such property by the lessee or by an entity controlled by, or under common control with, the lessee, the subsequent sale of such property to the lessor, and the leasing back of such property from the lessor by the lessee pursuant to a lease which, among other things, has a term of not less than fifteen years and does not constitute a sale for either Alabama or federal income tax purposes or both.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 40-12-223, Code of Alabama 1975, is hereby amended to read as follows:

“§ 40-12-223. Exemptions.

There are exempted from the computation of the amount of the tax levied, assessed or payable under this article the following:

(1) The gross proceeds accruing from the leasing or rental of a film or films to a lessee who charges, or proposes to charge, admission for viewing the said film or films;

(2) The gross proceeds accruing from any charge in respect to the use of docks or docking facilities furnished for boats or other craft operated on waterways;

(3) The gross proceeds accruing from any charge made by a landlord to a tenant in respect of the leasing or furnishing of tangible personal property to be used on the premises of real property leased by the same landlord to the same tenant for use as a residence or dwelling place, including mobile homes;

(4) The gross proceeds accruing from the leasing or rental of tangible personal property to a lessee who acquires possession of the said property for the purpose of leasing or renting to another the same property under a leasing or rental transaction subject to the provisions of this article;

(5) The gross proceeds accruing from any charge made by a landlord to a tenant in respect to the leasing or furnishing of tangible personal property to be used on the premises of any room or rooms, lodging or accommodations leased or rented to transients in any hotel, motel, inn, tourist camp, tourist cabin or any other place in which rooms, lodgings or accommodations are regularly furnished to transients for a consideration;

(6) The gross proceeds accruing from the leasing or rental of tangible personal property which the state is prohibited from taxing under the Constitution or laws of the United States or under the Constitution of the state;

(7) The gross proceeds accruing from the leasing or rental of nuclear fuel assemblies together with the nuclear material contained therein and other nuclear material used or useful in the production of electricity and assemblies containing ionizing radiation sources together with the ionizing radiation sources contained therein used or useful in medical treatment or scientific research;

(8) A transaction whereunder the lessor leases a truck or tractor-trailer or semitrailer for operation over the public roads and highways and such lessor furnishes a driver or drivers for each such vehicle, and such transaction shall be deemed to constitute the rendition of service and not a "leasing or rental" within the meaning of this article;

(9) The gross proceeds accruing from the leasing or rental of vehicles in interchange between regulated motor carriers on a per diem basis;

(10) The gross proceeds accruing from the leasing or rental of all structures, devices, facilities and identifiable components of any thereof acquired primarily for the control, reduction or elimination of air or water pollution, and the gross proceeds accruing from the leasing or rental of all materials used or intended for use in structures built primarily for the control, reduction or elimination of air and water pollution;

(11) The gross proceeds derived by the lessor, which term includes a sublessor, from the leasing or rental of tangible personal property when the lessor and lessee, which term includes a sublessee, are wholly-owned subsidiary corporations of the same parent corporation or one is the wholly-owned subsidiary of the other; provided, that the appropriate sales or use tax, if any was due, has been paid on such item of personal property; and provided further, that in the event of any subsequent subleasing of such tangible personal property to any person other than any such sister, parent or subsidiary corporation, any privilege or license tax due and payable with respect to such subsequent subleasing under the provisions of this article shall be paid;

(12) The gross proceeds accruing from a transaction which involves the leasing or rental of vessels or railroad equipment which are engaged in interstate or foreign commerce, or both; and

(13) The gross proceeds accruing from the leasing or rental of aircraft, replacement parts, components, systems, sundries and supplies affixed or used on said aircraft and all ground support equipment and vehicles used by or for the aircraft to or by a certificated or licensed air carrier with a hub operation within this state, for use in conducting intrastate, interstate or foreign commerce for transporting people or property by air. For the purpose of this subdivision, the words "hub operation within this state" shall be construed to have all of the following criteria:

a. There originates from the location 15 or more flight departures and five or more different first-stop destinations five days per week for six or more months during the calendar year; and

b. Passengers and/or property are regularly exchanged at the location between flights of the same or a different certificated or licensed air carrier; and

(14) The gross proceeds derived by the lessor, which term includes a sublessor, from the leasing of tangible personal property under the following conditions:

a. prior to being leased under the lease subject to this exemption, the leased tangible personal property shall have been owned, or considered to

be owned for either Alabama or federal income tax purposes or both, or subject to acquisition pursuant to a binding contract, by the lessee or by a corporation, partnership or other entity controlled by, or under common control with, such lessee;

b. the leased tangible personal property, or the right to ownership thereof, shall have been acquired by the lessor from the lessee or a corporation, partnership or other entity controlled by, or under common control with, such lessee and leased back to the lessee under a lease (i) that is considered a lease and not a sale for either Alabama or federal income tax purposes or both and (ii) that has a term of not less than fifteen (15) years, except that the lessor and the lessee may agree in the lease or any subsequent amendment thereof for the termination of the lease on any date through purchase of the leased tangible personal property by the lessee, which right to purchase such property shall be exercisable solely at the option of the lessee;

c. the appropriate sales or use tax levied by the state shall have been paid with respect to the acquisition or use of the leased tangible personal property, or, alternatively, the acquisition or use of such property shall be exempt by law from such sales or use tax;

d. the leased tangible personal property shall be installed in or about an industrial plant or other real property that was specially constructed or modified for the location and use of such tangible personal property and that is owned, or considered to be owned for either Alabama or federal income tax purposes or both, by a corporation, partnership or other entity controlled by, or under common control with, the lessee of such tangible personal property; and

e. the leased tangible property shall be used only by a lessee engaged in the iron and steel industry, and the exemption from the tax levied by this article shall apply only to the gross proceeds derived from leases that become binding contracts of the parties thereto within one hundred eighty (180) calendar days following the date on which the act adding the exemption contained in this subsection (14) shall become effective."

Section 2. The provisions of this act are expressly declared to be severable. If any provision of this act is adjudged to be invalid by any court of competent jurisdiction, such provision shall be severed from this act in order to effectuate the legislative intent that such judgment shall not affect, impair or invalidate the remainder of this act.

Section 3. This act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming law.

And the substitute was adopted.

Yeas 71; Nays 4.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Box, Breedlove, Brooks, Bugg, Burke, Buskey (JE), Butler, Campbell, Carothers, Carter, Clark (W), Crow, Curry, Davis, Dillard, Escott, Faulk, Ford, Gaston, Goodwin, Hammett, Harper, Harvey, Headley, Hill, Hogan, Holley, Hooper, Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Layson, Lindsey, Logan, Marks, Mathis, McClain, McDowell, McKee, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Rains, Rogers, Seibels, Slaughter, Spratt, Starkey,

Thomas, Turner, Turnham, Venable, Walker, White (F), White (G), White (L), Williams and Zoghby.

—71

Nay: Reps. Blake, Cosby, Gray and Hamilton.

—4

And the bill, H. 40 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 6.

Yeas:

Mr. Speaker, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Brooks, Bugg, Burke, Campbell, Carothers, Carter, Clark (W), Coburn, Crow, Curry, Davis, Dillard, Escott, Faulk, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grouby, Hall, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Petelos, Poole, Rains, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (F), White (G), White (L), Wright and Zoghby.

—76

Nays:

Reps. Adams, Buskey (JL), Cosby, Hamilton, Harvey and Holmes.

—6

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Laird would have voted "Nay" on the bill, H. 40, had he been in the Chamber at the time of voting.

And the bill:

H. 21. To make an appropriation of \$200,000 from the State General Fund to Fort Gaines for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Ford, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Harper, Harvey, Headley, Higginbotham, Hogan, Holley, Holmes, Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Marietta, Marks, Mathis, McClain, McMillan, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Rogers, Seibels, Spratt, Starkey, Thomas,

Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—80

And the bill:

H. 22. To make an appropriation of \$20,000 from the State General Fund to Fort Payne Depot for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Beers, Biddle, Blake, Blakeney, Box, Brooks, Bugg, Burke, Buskey (JL), Campbell, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Ford, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Harper, Harvey, Headley, Higginbotham, Hogan, Holley, Holmes, Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, McClain, McDowell, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—78

And the bill:

H. 24. To make an appropriation from the State General Fund to the Wallace Industrial Air Park for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blake, Blakeney, Box, Brooks, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Harper, Harvey, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McDowell, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—80

And the bill:

H. 25. To make an appropriation of \$75,000 from the State General Fund to Alabama Travel Council for the fiscal year ending September 30,

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1989, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 1.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blake, Blakeney, Box, Brooks, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Harper, Harvey, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—82

Nay: Rep. Grayson.

—1

And the bill:

H. 26. To make an appropriation of \$50,000 from the State General Fund to the Southern Museum of Flight for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blake, Blakeney, Box, Brooks, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Harper, Harvey, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McDowell, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright, and Zoghby.

And the bill:

H. 27. To make an appropriation of \$30,000 from the State General Fund to the Pea River Historical Society for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yeas:

Reps. Adams, Beers, Biddle, Blake, Blakeney, Box, Brooks, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—83

And the bill:

H. 28. To make an appropriation of \$50,000 from the State General Fund to the Mountain Lakes Tourist Association for the fiscal year ending September 30, 1989.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blake, Box, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Harper, Harvey, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—83

And the bill:

H. 29. To make an appropriation of \$5,000 from the State General Fund to Lee County Historical Society and Museum for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blake, Blakeney, Box, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Harper,

Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—84

And the bill:

H. 30. To make an appropriation of \$30,000 from the State General Fund to Helen Keller Property Board for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

Yeas:

Reps. Adams, Beers, Biddle, Black, Blake, Blakeney, Box, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Harper, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—86

And the bill:

H. 31. To make an appropriation of \$50,000 from the State General Fund to W.C. Handy Property Board for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Box, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Harper, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson,

Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—85

And the bill:

H. 23. To make an appropriation from the State General Fund in the amount of \$50,000 to the Alabama Mining Museum in Dora, Alabama for the fiscal year ending September 30, 1989 and to require an operations plan and audited financial statement prior to release of any funds.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Box, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Ford, Frazier, Freeman, Gaston, Goodwin, Grayson, Grouby, Hall, Hamilton, Harper, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White (G), Williams, Willis, Wright and Zoghby.

—81

And the bill:

H. 10. To provide for the creation of a special account to which the Legislature shall appropriate certain funds to prevent proration in the Alabama Special Educational Trust Fund; to prescribe criteria and procedures for withdrawals from such account in years of proration or in emergency situations as may be determined by the Legislature; to make annual appropriations to such account until a certain amount is established and to provide that such amount shall be maintained in separate trust from year to year except during years of proration in the Alabama Special Educational Trust Fund and in emergencies; to prescribe procedures and criteria for reimbursement to such account after withdrawals; to provide for the retention of accrued interest; to provide for an effective date; and to repeal conflicting provisions.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott, Faulk, Ford, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis,

McClain, McDowell, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Warren, White (F), White(G), White (L), Williams, Willis, Wright and Zoghby.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 10:

Reps. Adams, Beers, Biddle, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Carothers, Carter, Clark (W), Cosby, Curry, Davis, Dillard, Escott, Faulk, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McDowell, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Williams, Wright and Zoghby.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Mathis, the rules were suspended in order to take up out of order the bill, H. 44.

And the bill:

H. 44. (With Substitute): To amend Sections 32-9-20 and 32-9-25 of the Code of Alabama 1975 relating to motor vehicle sizes and lengths so as to further regulate the sizes and lengths of motor vehicles on highways in Alabama, and to further regulate exceptions and exemptions.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Health, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To amend Sections 32-9-20 and 32-9-25 of the Code of Alabama 1975 relating to motor vehicle sizes and lengths so as to further regulate the sizes and lengths of motor vehicles on highways in Alabama, and to further regulate exceptions and exemptions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 32-9-20 and 32-9-25 of the Code of Alabama 1975 are hereby amended to read as follows;

“§32-9-20.

“It shall be unlawful for any person to drive or move on any highway in this state any vehicle or vehicles of a size or weight except in accordance with the following provisions:

“(1) WIDTH. Vehicles and combinations of vehicles, operating on highways with traffic lanes 12 feet or more in width, shall not exceed a total

outside width, including any load thereon, of 102 inches, exclusive of mirrors or other safety devices approved by the state highway department. The director of the state highway department may, in his discretion, designate other public highways for use by vehicles and loads with total outside widths not exceeding 102 inches, otherwise; vehicles and combinations of vehicles, operating on highways with traffic lanes less than 12 feet in width, shall not exceed a total outside width, including any load thereon, of 96 inches, exclusive of mirrors or other safety devices approved by the state highway department. No passenger vehicle shall carry any load extending beyond the line of the fenders. No vehicle hauling forest products or culvert pipe on any highway in this state shall have a load exceeding 102 inches in width.

"(2) HEIGHT. No vehicle or semitrailer or trailer shall exceed in height 13 1/2 feet, including load.

"(3) LENGTH. No vehicle shall exceed in length 40 feet; except, that the length of ~~semitrailer trucks~~ truck and semitrailer combinations, semi-trailers, including load, used in a truck tractor-semitrailer combination, shall not exceed 50 feet and semitrailers and trailers, including load, used in a truck tractor-semitrailer-trailer combination, shall not exceed 28 1/2 feet each. For purposes of enforcement of this subdivision, lengths of semitrailers and trailers refer to the cargo carrying portion of the unit. Truck tractor units used exclusively in combinations transporting motor vehicles may directly carry a portion of the cargo, provided that such combinations are restricted to truck tractor-semitrailer combinations only ~~and provided further that the overall length of these particular combinations shall not exceed 65 feet~~. No truck tractor-semitrailer combination used exclusively for transporting motor vehicles shall carry any load extending more than three feet beyond the front or four feet beyond the rear of such combination. No other vehicle operated on a highway shall carry any load extending more than a total of five feet beyond both the front and rear, inclusive, of the vehicle.

"(4) WEIGHT.

"a. The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed 20,000 pounds, or such other weight, if any, as may be permitted by federal law to keep the state from losing federal funds; provided, that inadequate bridges shall be posted to define load limits.

"b. For the purpose of this section, an axle load shall be defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.

"c. Subject to the limit upon the weight imposed upon the highway through any one axle as set forth herein, the total weight with load imposed upon the highway by all the axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distances between the first and last axle of the vehicle or combination of vehicles, measured longitudinally to the nearest foot as set forth in the following table:

"COMPUTED GROSS WEIGHT TABLE:

For various spacings of axle groupings

Distance in feet between first and last axles of vehicle or combination of vehicles	Maximum load in pounds on all the axles				
	2 axles	3 axles	4 axles	5 axles	6 axles
8 or less	36,000	42,000	42,000		
9	38,000	42,500	42,500		

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10	40,000	43,500	43,500	
11		44,000	44,000	
12		45,000	50,000	50,000
13		45,500	50,500	50,500
14		46,500	51,500	51,500
15		47,000	52,000	52,000
16	48,000	52,500	58,000	58,000
17		48,500	53,500	58,500
18		49,500	54,000	59,000
19		50,000	54,500	60,000
20		51,000	55,500	60,500
21		51,500	56,000	61,000
22		52,500	56,500	61,500
23		53,000	57,500	62,500
24		54,000	58,000	63,000
25		54,500	58,500	63,500
26		56,000	59,500	64,000
27		57,000	60,000	65,000
28		59,000	60,500	65,500
29		60,000	61,500	66,000
30			62,000	66,500
31			63,500	67,000
32			64,500	68,000
33			65,000	69,000
34			65,500	70,000
35			66,500	71,000
36			67,000	72,000
37			68,000	73,000
38			69,000	74,000
39			70,000	75,000
40			71,000	76,000
41			72,000	77,000
42			73,000	78,000
43			74,000	79,000
44 and over			75,000	80,000

“Except as provided by special permits, no vehicle or combination of vehicles exceeding the gross weights specified above shall be permitted to travel on the public highways within the state of Alabama.

“No vehicle or combination of vehicles shall be permitted to operate on any portion of the interstate highway system of Alabama that shall have a greater weight than 20,000 pounds carried on any one axle, including all enforcement tolerances, or with a tandem axle weight in excess of 34,000 pounds, including all enforcement tolerances, or with an overall gross weight on a group of two or more consecutive axles produced by application of the following formula:

$$W = 500 \left(\frac{LN}{N-1} + 12N + 36 \right)$$

where W = overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of any group of two or more consecutive axles and N = number of axles in group under consideration; except, that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each, provided the overall distance between the first and last axles of such consecutive sets of tandem

axles is 36 feet or more; provided, that such overall gross weight may not exceed 80,000 pounds, including all enforcement tolerances. Nothing in this section shall be construed as permitting size or weight limits on the national system of interstate and defense highways in this state in excess of those permitted under 23 U.S.C. section 127. If the federal government prescribes or adopts vehicle size or weight limits greater than or less than those now prescribed by 23 U.S.C. section 127 for the national system of interstate and defense highways, the increased or decreased limits shall become effective on the national system of interstate and defense highways in this state. Nothing in this section shall be construed to deny the operation of any vehicle or combination of vehicles that could be lawfully operated upon the highways and roads of this state on January 4, 1975.

"d. For purposes of enforcement of subdivision (4) of this section, all scaled weights shall be deemed to have a margin of error of 10 percent of the true gross or axle weights.

"e. Dump trucks, dump trailers, concrete mixing trucks, fuel oil, gasoline trucks and trucks designated and constructed for special type work or use shall not be made to conform to the axle spacing requirements of paragraph (4)c of this section; provided, that such vehicle shall be limited to a weight of 20,000 pounds per axle plus scale tolerances; and, provided further, that the maximum gross weight of such vehicles shall not exceed the maximum weight allowed by this section for the appropriate number of axles, irrespective of the distance between axles, plus allowable scale tolerances. All axles shall be brake equipped. Concrete mixing trucks which operate within 50 miles of their home base shall not be required to conform to the requirements of paragraph (4)a of this section; provided, that such vehicles shall be limited to a maximum load of the rated capacity of the concrete mixer, such true gross load not to exceed 66,000 pounds, and all such vehicles shall have at least three axles, each with brake equipped wheels. It shall be a violation if such vehicles named under this subdivision travel upon bridges designated and posted by the highway director as incapable of carrying such load.

"f. If the driver of any vehicle can comply with the weight requirements of this section by shifting or equalizing the load on all wheels or axles and does so when requested by the proper authority, said driver shall not be held to be operating in violation of this section.

"g. When portable scales are used in the enforcement of the provisions of this section, the axles of any vehicle described or commonly referred to as tandem or triaxle rigs or units (that is, vehicles having two or more axles in addition to a steering axle), the group of tandem or triaxles shall be weighed simultaneously, and the total weight so derived shall be divided by the number of axles weighed in the group to arrive at the per axle weight, except that if any one axle in the group exceeds 20,000 pounds in weight, it shall not exceed the weight of any other axle in the group by more than 50 percent. When portable scales are used to determine the weight of a vehicle pursuant to this section, the operator of the vehicle will be permitted to move the vehicle to the nearest platform scales certified by the department of agriculture and industries and operated by a bonded operator within a distance of 10 highway miles, accompanied by an enforcement officer to verify the accuracy of the portable scales used in determining the vehicle weight. If the weight of the vehicle is shown by the platform scales to be within the legal limits of this section, the operator of the vehicle shall not be held to be in violation of this section.

"h. The governing body of a county, by appropriate resolution, may authorize limitations less than those prescribed herein for vehicles operated upon the county highways of such county.

"i. The state highway department, for cause, shall have the right to post or limit any road or bridge to weights less than those prescribed by this section. It is the legislative intent and purpose that the provisions of this section be rigidly enforced by the state highway department, the department of public safety and any other authorized law-enforcement officers of the state, any county or city and incorporated towns.

"j. Two and three axle vehicles being used exclusively for the purpose of transporting agricultural commodities or products to and from a farm and for agricultural purposes relating to the operation and maintenance of a farm by any farmer, custom harvester or husbandman may not be made to conform to the axle requirements of paragraph (4)a of this section or the gross weight requirements of paragraph (4)c of this section.

"§32-9-25.

"There shall be exempt from the provisions of this article as to length, detachable wind deflection devices which have been approved by the state highway department, loads of poles, logs, lumber, structural steel, piping and timber, and vehicles transporting same. ~~Trucks, trailers and semitrailers which are constructed and used exclusively for the hauling of livestock, shall also be exempt from the restrictions of this article as to length, but, however, shall not exceed 65 feet in length.~~"

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Cosby, Crow, Curry, Dillard, Escott, Faulk, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McKee, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Poole, Rains, Richardson, Seibels, Slaughter, Starkey, Thomas, Turner, Turnham, Venable, Warren White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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And the bill, H. 44 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 1.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Campbell, Carothers, Clark (W), Cosby, Crow, Curry, Dillard, Escott, Faulk, Frazier, Freeman, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

—85

Nay: Rep. Brooks.

—1

And the bill:

H. 32. Providing for elected superintendents of education to participate in the teachers' retirement system upon ratification of an amendment to the Constitution of Alabama 1901 allowing such elected superintendents to participate in such retirement system.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Clark (W), Cosby, Crow, Curry, Dillard, Escott, Faulk, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Jenkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McKee, Mikell, Moon, Newman, Newton, Parker, Payne, Perdue, Petelos, Poole, Rains, Richardson, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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H. 47 RECOMMITTED

On motion of Rep. Holley, the Speaker recommitted the bill, H. 47, to the Standing Committee on Ways and Means.

MOTION TO ADJOURN LOST

The motion offered by Rep. Brooks that the House adjourn until 4:00 o'clock p.m., Thursday, September 29, 1988, was lost.

Yeas 21; Nays 50.

Yeas:

Reps. Adams, Biddle, Black, Blake, Bryant, Crow, Freeman, Grayson, Hall, Hammett, Harvey, Laird, Marks, McKee, Mikell, Penry, Starkey, Turner, White (F), Willis and Wright.

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Nays:

Mr. Speaker, Blakeney, Breedlove, Bugg, Burke, Buskey (JL), Campbell, Carothers, Clark (W), Cosby, Curry, Dillard, Escott, Faulk, Flowers, Frazier, Gaston, Grouby, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Knight, Kvalheim, Layson, Logan, Mathis, Moon, Newton, Payne, Perdue, Poole, Rains, Richardson, Seibels, Slaughter, Spratt, Thomas, Turnham, Venable, Warren, White (G) and Zoghby.

—50

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Cosby offered the motion to reconsider the vote by which the bill, H. 34, was lost, and the motion to reconsider was adopted.

H. 34 TEMPORARILY POSTPONED

On motion of Rep. Holmes, the bill, H. 34, was temporarily postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Carothers, the rules were suspended in order to take up out of order the bill, H. 5.

And the bill:

H. 5. This bill provides for an exception to the confidentiality provision of Chapter 11a of Title 22, Code of Alabama 1975, when a potential risk exists in the spread of a contagious disease by authorizing the State Committee of Public Health to establish guidelines for notification of pre-hospital transport agencies, funeral directors, school superintendents and others when indicated. The bill further sets penalties for violation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Brooks, Bryant, Burke, Buskey (JL), Butler, Campbell, Carothers, Clark (W), Coburn, Cosby, Crow, Curry, Dillard, Frazier, Freeman, Gaston, Grayson, Grouby, Hall, Hamilton, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marks, Mathis, McKee, Mikell, Moon, Parker, Penry, Petelos, Rains, Richardson, Seibels, Slaughter, Starkey,

Thomas, Turner, Turnham, Venable, Walker, White (G), White (L), Williams, Willis, Wright and Zoghby.

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RESOLUTION

The following resolution was introduced:

By Rep. Hamilton:

H. J. R. 22. COMMENDING THE OFFICIALS AND EMPLOYEES OF THE ROGERSVILLE WATER DEPARTMENT FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama notes with highest commendation and praise the outstanding accomplishments of the Rogersville Water Department and its recognition for the past three years by the Alabama Water and Pollution Control Association (AWPAC); and

WHEREAS, in consideration, along with other water department operations throughout Alabama, Rogersville was judged by AWPCA as having Alabama's best system for its state population classification, based on such criteria as equipment maintenance, record keeping, appearance and water loss percentage; and

WHEREAS, we further note that this is the third consecutive year (1985-1987) that the Rogersville department has been so highly honored, which is a distinct tribute to the management and to all department employees; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Rogersville Water Department officials and employees for outstanding accomplishment, and do further join the citizens of Rogersville in expressing sincere appreciation and praise of the department's dedicated commitment on behalf of their community.

BE IT FURTHER RESOLVED, That a copy of this commendatory resolution be provided for appropriate display by the Rogersville Water Department.

On motion of Rep. Hamilton, the rules were suspended and the resolution, H. J. R. 22, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Knight, the rules were suspended in order to take up out of order the bill, H. 7.

And the bill:

H. 7. Relating to motor vehicle licenses, registration and parking; to amend Sections 32-6-230, 32-6-231, 32-6-232, 32-6-233, 32-6-233.1 and 32-6-234 of the Code of Alabama 1975, so as to provide that certain temporarily handicapped individuals shall be granted temporary identification placards for use in special parking places reserved for handicapped persons; to authorize reciprocal agreements with other states regarding such parking places and to provide penalties for misuse and abuse of such parking places.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Clark (W), Cosby, Curry Dillard, Freeman, Gaston, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Holley, Holmes, Hooper, Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McKee, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Rains, Richardson, Slaughter, Starkey, Thomas, Turner, Turnham, Venable, White (G), White (L), Williams, Wright and Zoghby.

—66

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Venable, the rules were suspended in order to take up out of order the bill, H. 39.

And the bill:

H. 39. To amend further section 17-4-156, Code of Alabama 1975, as amended, relating to meeting days of the boards of registrars, so as to provide further for such meeting days and to provide an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Cosby, Crow, Curry, Dillard, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McKee, McMillan, Mikell, Parker, Payne, Penry, Petelos, Richardson, Seibels, Slaughter, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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And the bill:

H. 42. To amend Section 39-1-1, Code of Alabama 1975, requiring bonds for persons, firms or corporations contracting with the state or political subdivisions thereof for repair or construction of public buildings, works, highways or bridges, by adding at the end of subsection (a) of the existing section a provision adding public corporations and authorities as political subdivisions covered by the section, but providing for the exemption, from the requirements of the section, of any real or personal property leased to a private entity and owned by a private entity for Alabama or federal income tax purposes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Blake, Blakeney, Brooks, Bryant, Bugg, Burke, Buskey (JL), Butler, Campbell, Carothers, Clark (W), Crow, Curry, Dillard, Frazier, Freeman, Gaston, Goodwin, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McKee, Mikell, Moon, Newman, Parker, Payne, Penry, Petelos, Richardson, Seibels, Slaughter, Starkey, Thomas, Turner, Turnham, Venable, Warren, White (G), White (L), Williams, Willis, Wright and Zoghby.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Mathis, the rules were suspended in order to take up out of order the bill, H. 33.

And the bill:

H. 33. Proposing an amendment to the Constitution of 1901, as amended, relating to the legislative process for considering the major appropriations bills for the operations of education, the operations of the executive, legislative and judicial branches of state government, the state public debt, and the other business of state government and setting a time frame therefor; and repealing Amendment No. 448 to the Constitution of 1901, as amended, Act No. 81-889, S. 32, First Special Session 1981 (Acts 1981, First, Second and Third Special Sessions, p. 25) relating to the legislative process for certain appropriations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 5.

Yeas:

Mr. Speaker, Adams, Black, Blake, Blakeney, Breedlove, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Clark (W), Cosby, Crow, Curry, Dillard, Faulk, Frazier, Grayson, Grouby, Hamilton, Hammett, Harper, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Kennedy, Knight, Laird, Layson, Lindsey, Logan, Marks, Mathis, McKee, Melton, Mikell, Moon, Parker, Penry, Perdue, Petelos, Poole, Richardson, Seibels, Slaughter, Thomas, Turnham, Venable, White (G), White (L), Williams, Willis, Wright and Zoghby.

—66

Nays: Reps. Gaston, Harvey, Kvalheim, Payne and Warren.

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ADJOURNMENT

On motion of Rep. Blake, the House adjourned until 4:00 o'clock p.m., Thursday, September 29, 1988.

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Yeas 35; Nays 32.

Yeas:

Reps. Adams, Biddle, Blake, Brooks, Buskey (JE), Buskey (JL), Cosby, Crow, Dillard, Frazier, Freeman, Grayson, Hall, Hammett, Harvey, Higginbotham, Holmes, Hooper, Johnson (RW), Kennedy, Laird, Layson, McKee, Melton, Mikell, Parker, Penry, Perdue, Petelos, Starkey, Venable, Warren, Williams, Willis and Wright.

—35

Nays:

Mr. Speaker, Blakeney, Bugg, Burke, Butler, Carothers, Curry, Faulk, Flowers, Gaston, Grouby, Haynes, Hill, Hogan, Johnson (RG), Knight, Kvalheim, Lindsey, Logan, Marks, Mathis, McMillan, Moon, Payne, Poole, Richardson, Seibels, Slaughter, Turnham, White (G), White (L) and Zoghby.

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FOURTH DAY

House of Representatives
Montgomery, Alabama
Thursday, September 29, 1988

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Rep. Ernest Dillard.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chuck Spivey.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable,

Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the third legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the third legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the third legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Butler, leave of absence was granted for Rep. Hettinger.

At the request of Rep. Holmes, leave of absence was granted for Rep. Reed.

RESOLUTION

The following resolution was introduced:

By Rep. Carter:

H. R. 23. RELATIVE TO MEETING DAYS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Thursday, September 29, 1988, we adjourn to meet again on Friday, September 30, 1988, at 10:00 A. M.

On motion of Rep. Carter, the rules were suspended and the resolution, H. R. 23, was adopted.

BILLS ON SECOND READING

Rep. Harper, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 16. To further amend Section 40-12-252, Code of Alabama 1975, as amended, relating to the basis of tax for truck trailers, tractor trailers and semitrailers, so as to authorize a five-year registration option for these vehicles as now permitted for rental utility trailers, and gives the Department of Revenue the authority to develop and promulgate reasonable rules and regulations as needed to administer the provisions of this act.

S. 19. To amend Section 35-12-32, Code of Alabama 1975, relating to the Alabama Uniform Disposition of Unclaimed Property Act, so as to

require that the Revenue Department establish a list of unclaimed property owners to assist individuals or organizations engaged in the practice of seeking, for a fee, the owners of abandoned or unclaimed property reported to the State; to establish the fee which a "finder" may charge an abandoned or unclaimed property owner; to authorize a charge to offset the cost of producing the listing; and to provide for the disposition of revenue received from listing sales.

RESOLUTIONS

The following resolutions were introduced:

By Rep. White (G):

H. R. 24. DESIGNATING OCTOBER 1988 AS "JUVENILE DIABETES RESEARCH MONTH" IN ALABAMA.

WHEREAS, diabetes affects the health of thousands of Alabamians, striking suddenly and devastatingly, and condemns its victims, many of whom are children, to a lifetime of insulin dependence and the prospect of long-term damage to major organs; and

WHEREAS, during the last decade, through laboratory research, our knowledge of diabetes has increased tremendously and we now have a better understanding of this disease and its frightening complications; there is still however, much to learn and, in addition, we still face the major challenge of transforming research advances into practical benefits for diabetes patients; and

WHEREAS, diabetes is a public health problem that affects both sexes, all ages and races, and, given the disability, the emotional toll, and the economic loss from diabetes, our priorities should continue to be research on this disease, how best to treat it, and how best to communicate this knowledge to those who need it most; and

WHEREAS, through the continued commitment and cooperation of private citizens and organizations, the scientific community, and federal, state and local governments, we can win the fight against diabetes; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That to increase public awareness of diabetes, and to emphasize the need for continued research to cure this disease, we hereby designate the month of October 1988 as "Juvenile Diabetes Research Month," and do further call on all government agencies and the people of the State of Alabama to observe this month with appropriate programs and activities.

On motion of Rep. White (G), the rules were suspended and the resolution, H. R. 24, was adopted.

Also:

By Rep. Holley:

H. J. R. 25. JOINT HOUSE RESOLUTION CREATING A STATE ENVIRONMENTAL LAW ENFORCEMENT COMMITTEE.

WHEREAS, Alabama is a member of The National Environmental Enforcement Council; said National Council being responsible for coordinating environmental law enforcement across the nation; and

WHEREAS, Alabama has been instrumental in creating a Regional Environmental Enforcement Network known as the Southern Environmental Enforcement Network; and

WHEREAS, there is a need to establish a State-wide Environmental Enforcement organization to interface with the Regional and National organizations.

BE IT FURTHER RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That a State Environmental Law Enforcement Committee consisting of one representative from the Alabama Bureau of Investigations, and one enforcement attorney from the Department of Conservation and Natural Resources, one enforcement attorney from the Alabama Department of Environmental Management, one enforcement attorney from the State Health Department, one enforcement attorney from the Alabama Surface Mining Commission, one enforcement attorney from the Attorney General's office, one attorney from the Oil and Gas Board, and one representative from the District Attorneys Association is hereby created; and

BE IT FURTHER RESOLVED that the State Environmental Enforcement Committee meet at least quarterly in the offices of the Attorney General, who shall chair the committee, to insure coordination with regional and national environmental enforcement organizations and that no appropriations be made to said Environmental Enforcement Committee.

On motion of Rep. Holley, the rules were suspended and the resolution, H. J. R. 25, was adopted.

Also:

By Rep. Holmes:

H. R. 26. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That we call upon Governor Guy Hunt to remove Dr. Joseph Sutton from interviewing candidates for Board of Trustees at State Universities.

On motion of Rep. Holmes, the rules were suspended and the resolution, H. R. 26, was adopted.

Also:

By Rep. Mikell:

H. J. R. 27. EXPRESSING LEGISLATIVE INTENT REGARDING ACT NO. 88-620, H. 1032, 1988 REGULAR SESSION, WHICH PROVIDES FOR THE CREATION OF FIRE DISTRICTS IN ELMORE COUNTY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is hereby declared that the legislative intent of Act No. 88-620, H. 1032, 1988 Regular Session, is that the service charge imposed in Section 14 of the Act shall be on assessed property value.

On motion of Rep. Mikell, the rules were suspended and the resolution, H. J. R. 27, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Mikell:

H. R. 28. COMMENDING NADEL M. FRANKLIN FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Senator Bedford (With Notice and Proof):

S. 47. Relating to Winston County; levying a special county privilege and license tax paralleling the state sales tax levied on certain automotive vehicles provided for by section 40-23-101, Code of Alabama 1975, and a special county excise tax paralleling the state use taxes levied on the storage or use of certain automotive vehicles provided for by section 40-23-102, Code of Alabama 1975; specifying the rates at which such taxes shall be levied; providing for the ascertainment, collection, payment, distribution and use of the said taxes; providing for enforcement of this act; and providing for a referendum.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 47, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Bedford (With Notice and Proof):

S. 48. Relating to Winston County; authorizing and providing for the incorporation of the Winston County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations

respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 48, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Senator Bedford (With Notice and Proof):

S. 49. Relating to Marion County; authorizing and providing for the incorporation of the Marion County Water Coordinating and Fire Prevention Authority, as a public corporation for the purpose of furnishing water service and fire protection facilities; providing that the service area specified in the original certificate of incorporation of such authority shall lie within the boundaries of the county in which it is incorporated, but that the said service area may be extended into one or more other counties by amendment to the certificate of incorporation; providing for and authorizing the certificate of incorporation and by-laws of such authority to be amended at any time and from time to time; providing for the appointment, election and compensation of directors of such authority; providing for the powers, authorities and duties of such authority and its board of directors; providing for the development of a master plan for said authority; authorizing such authority to acquire, construct, operate and improve one or more waterworks plants, water distribution systems or fire protection facilities, or any combination of any thereof; providing for cooperation with existing water systems and any county and city governments and any council of local government; conferring on such authority the power of eminent domain; making provisions respecting the establishment, revision and collection of charges for water service and fire protection facilities or service, or either, rendered by it; authorizing and providing for the assumption by such authority of obligations

respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by such authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; providing that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any water system, fire protection facility, or other property to such authority; providing that the rendition by such authority of water service or facilities or of fire protection service or facilities is a governmental function and to exempt such authority from all tort liability in connection with water services or facilities or with fire protection services or facilities; exempting from all taxation in this state such authority, its property, corporate activities, income, revenues, and securities, the income from its securities, conveyances, leases, and mortgages and deeds of trust to which such authority is a party, and exempting such authority from payment of certain charges to judges of probate; exempting the authority and the contracts made by it from all competitive bid laws; providing that such authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; providing for the use of public roads in the state by such authority; providing for the dissolution of such authority and the disposition of its property; providing that any public corporation may convey its assets, with or without pecuniary consideration, to such authority; providing for auditing; and providing that funds of said authority may be used to aid in applying for available grants.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 49, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 47. Local Legislation No. 1.
- S. 48. Local Legislation No. 1.
- S. 49. Local Legislation No. 1.

RESOLUTION

The following resolution was introduced:

By Rep. Rogers:

H. J. R. 29. ESTABLISHING THE CONTINUING YOUTH GANG VIOLENCE COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Continuing Youth Gang Violence Commission for the purpose of addressing

the existing problems and potential problems of youth gangs in and around the state. The commission shall be composed of eight citizens appointed by the Attorney General of the State of Alabama. Membership shall include representatives of agencies or organizations which provide services to the youth. The chairman of the commission shall be a member of the House of Representatives of the State of Alabama.

BE IT FURTHER RESOLVED, That the duty and function of the commission shall include, but not be limited, to reviewing state and federal laws relating to youth gang violence; proposing state legislation regarding gang violence issues for consideration by the Governor and the Legislature; proposing and implementing educational and prevention programs on gang violence; and supervising all state level initiatives and efforts to eliminate and further prevent youth gang violence.

RESOLVED FURTHER, That the commission shall meet at such time and places as designated by the chairman, who shall be responsible for its administrative and operational functioning and who is empowered to take all actions necessary to keep it functioning efficiently and effectively and shall have, in this regard, all rights and privileges accorded commissions under Alabama regulations and laws. All major programs and initiatives of the commission must be approved by a majority of the membership in actual attendance at the meeting in which such programs and initiatives are decided.

BE IT FURTHER RESOLVED, That the commission shall submit a report of its findings and recommendations by the fifteenth legislative day of the 1989 Regular Session and shall be dissolved.

AMENDMENT OFFERED

Rep. Wright offered the following amendment to the resolution, H. J. R. 29:

Amend H. J. R. 29 on page 2, line 7 by adding after the word decided the following:

It is the intent of the legislature that no state funds be expended in the creation of and the function of this commission.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Black, Blake, Bowling, Brooks, Bryant, Buskey (JE), Carothers, Carter, Clark (W), Cosby, Dillard, Escott, Faulk, Frazier, Gaston, Grayson, Hamilton, Higginbotham, Holley, Johnson (RG), Kennedy, Knight, Laird, Logan, Marks, Mathis, McKee, McMillan, Mikell, Moon, Parker, Penry, Petelos, Rains, Richardson, Spratt, Starkey, Thomas and Wright.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

On motion of Rep. Rogers, the resolution, H. J. R. 29 as amended, was adopted.

Yeas 47; Nays 1.

Yeas:

Reps. Black, Blake, Blakeney, Bowling, Brooks, Bryant, Buskey (JE), Buskey (JL), Carothers, Clark (W), Cosby, Curry, Dillard, Escott, Faulk, Frazier, Gaston, Gray, Grayson, Grouby, Hamilton, Haynes, Higginbotham, Hill, Hogan, Holley, Holmes, Johnson (RG), Kennedy, Knight, Laird, Logan, Marks, Mathis, Mikell, Moon, Parker, Petelos, Poole, Rains, Richardson, Spratt, Starkey, Thomas, Turner, White (L) and Wright.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

ADJOURNMENT

On motion of Rep. Carter and pursuant to the resolution, H. R. 23, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Friday, September 30, 1988.

FIFTH DAY

House of Representatives
Montgomery, Alabama
Friday, September 30, 1988

The House met pursuant to adjournment.

PRAAYER

The session was opened with prayer by Reverend Ralph Mims, Pastor, Harvest Church, Millbrook, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Leanne Putman.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams, Beasley, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton,

Hammett, Harper, Harvey, Haynes, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, McClain, McDowell, McKee, McMillan, Marietta, Marks, Mathis, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Reed, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourth legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the fourth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fourth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Butler, leave of absence was granted for Rep. Hettinger.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 5. MOURNING THE DEATH OF MR. JESSIE DIXON OF CHOCTAW CITY, ALABAMA.

Also:

H. J. R. 7. COMMENDING ROSEMARY FOX, 1988 REALTOR OF THE YEAR.

Also:

H. J. R. 11. COMMENDING MORRIS SOKOL OF TUSCALOOSA, ALABAMA, AND DESIGNATING HIM AS DIRECTOR EMERITUS OF THE TUSCALOOSA COUNTY PARK AND RECREATION AUTHORITY BOARD.

Also:

H. J. R. 12. MOURNING THE DEATH OF ROY DAVID JOHNSON OF ARAB, ALABAMA.

Also:

H. J. R. 13. COMMENDING THE CENTRAL ALABAMA OPPORTUNITIES INDUSTRIALIZATION CENTER, INC., ON ITS TWENTIETH ANNIVERSARY.

Also:

H. J. R. 19. CONGRATULATING THE FRANCIS MARION HIGH SCHOOL RAMS AS ALABAMA'S STATE 2A BASKETBALL CHAMPIONS.

Also:

H. J. R. 22. COMMENDING THE OFFICIALS AND EMPLOYEES OF THE ROGERSVILLE WATER DEPARTMENT FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 27. EXPRESSING LEGISLATIVE INTENT REGARDING ACT NO. 88-620, H. 1032, 1988 REGULAR SESSION, WHICH PROVIDES FOR THE CREATION OF FIRE DISTRICTS IN ELMORE COUNTY.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Rep. Haynes:

H. J. R. 30. MEMORIALIZING THE UNITED STATES CONGRESS TO OVERRIDE THE PRESIDENT'S VETO OF THE TEXTILE, APPAREL AND FOOTWEAR TRADE ACT, H. R. 1154.

WHEREAS, Alabama's healthy economy is highly dependent on the textile industry and markets and the textile industry has plants in operation in the sixty-seven counties of this state with an annual payroll of over \$1.4 billion and is the state's largest manufacturing industry; and

WHEREAS, the jobs and livelihood of the 100,300 Alabama employees in textile operations in this state, and the well-being of their families, now are in jeopardy because of the veto of the Textile, Apparel and Footwear Trade Act, H. R. 1154, and the veto treats them with disdain; and

WHEREAS, the veto of this trade bill will export the jobs of many Alabamians to other countries and severely affect our economy and the nation's trade balance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby memorialize the United States Congress to forthwith override the President's veto of H. R. 1154, the Textile, Apparel and Footwear Trade Act so that the jobs and livelihood of many Alabamians will be saved from extinction.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each member of the Alabama Congressional Delegation.

On motion of Rep. Haynes, the rules were suspended and the resolution, H. J. R. 30, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 2. EXPRESSING LEGISLATIVE INTENT RELATING TO ACT NO. 88-397, H. 721, REGULAR SESSION 1988, RELATING TO MARION COUNTY.

Also:

S. J. R. 3. EXPRESSING LEGISLATIVE INTENT RELATING TO ACT NO. 88-560, S. 665, REGULAR SESSION 1988, RELATING TO FRANKLIN COUNTY.

Also:

S. J. R. 4. MOURNING THE DEATH OF A. B. CLARK OF DOTHAN, ALABAMA.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Reps. Biddle, Wright, Payne, White (G), McDowell, Beers, Curry, Davis, Escott, Gray, McClain, Newton, Perdue, Petelos, Rogers, Seibels, Slaughter, and Spratt:

H. J. R. 31. NAMING THE BRIDGE OVER THE LOCUST FORK OF THE BLACK WARRIOR RIVER IN JEFFERSON COUNTY, THE "RAY MOORE BRIDGE."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of Mr. Ray Moore's conscientious and dedicated service on the county commission to secure its funding, the concrete bridge located on the Warrior-Kimberly Road across the Locust Fork of the Black Warrior River in Section 24, Township 14 South, Range 3 West, in Jefferson County is hereby named and shall henceforth and forever be known as the "Ray Moore Bridge."

BE IT FURTHER RESOLVED, That the Jefferson County Commission is authorized to purchase and display signs so recognizing said bridge as the "Ray Moore Bridge."

RESOLVED FURTHER, That Mr. Moore receive a copy of this resolution as a memento of this honorary designation, executed by the Legislature in highest regard of his many contributions to Jefferson County and all citizens thereof.

On motion of Rep. Biddle, the rules were suspended and the resolution, H. J. R. 31, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Thomas, the rules were suspended for introduction of resolutions later in the day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Dial and Rice:

S. J. R. 5. COMMENDING CALVIN WOOTEN OF ANNISTON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND CONTRIBUTIONS ON BEHALF OF THE BLIND AND VISUALLY IMPAIRED.

Also:

By Senators Parsons, Cabaniss, and Denton:

S. J. R. 6. COMMENDING JACK BOYKIN OF MONTROSE, ALABAMA, FOR OUTSTANDING GENEROSITY AND SERVICE TO THE ETHICS COMMISSION AND STATE OF ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Carter, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 5 and S. J. R. 6, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Senators Dial, Amari, Bailey, Barron, Bedford, Bedsole, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J):

S. J. R. 14. NAMING H. B. 6, ACT NO. 88-873, THE "CAMPBELL-BENNETT ACT."

Also:

By Senators Bedford, Amari, Bailey, Barron, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard,

Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, Smith (B), and Smith (J):

S. J. R. 16. MOURNING THE DEATH OF JAMES WALSTON HESTER OF RUSSELLVILLE, ALABAMA.

Also:

By Senator Bedford:

S. J. R. 21. DESIGNATING A CERTAIN ROAD LOCATED OFF ALABAMA HIGHWAY 18 IN FAYETTE COUNTY AS THE "PIERCIE KIMBRELL ROAD."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Carter, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 14, S. J. R. 16 and S. J. R. 21, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 20. DESIGNATING THE ACT NO. 88-856, S. 196, 1988 FIRST SPECIAL SESSION, AS THE "BUTLER-DIXON CONTRACT REVIEW ACT."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Burke, the House concurred in and adopted the Senate amendment to the resolution, H. J. R. 20, said Senate amendment being as follows:

H. J. R. 20. DESIGNATING THE ACT NO. 88-856, S. 196, 1988 FIRST SPECIAL SESSION, AS THE "DIXON-BUTLER CONTRACT REVIEW ACT."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 88-856, S. 196, 1988 First Special Session, is hereby designated the "Dixon-Butler Contract Review Act."

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Hilliard, Bedford, Langford, and Horn:

S. J. R. 30. COMMENDING ARTHUR D. SHORES OF BIRMINGHAM, PROMINENT ALABAMA ATTORNEY AND CIVIL RIGHTS LEADER.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Carter, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 30, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Foshee and Bedsole:

S. J. R. 7. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY LOTTERIES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study the feasibility of authorizing a lottery in Alabama. The committee shall be composed of three members of each house, to be appointed by the presiding officer of each house and three members to be appointed by the Governor. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1989 Regular Session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. Further, the committee shall have the authority by majority vote of all members present and voting to utilize the professional services of individuals recognized for their knowledge in the area of lotteries. The total expenditures of the committee shall not exceed \$5,000.00. \$25,000.00.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 7, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Bedford, deGraffenried, Hand, and Dial:

S. J. R. 28. CREATING THE INTERIM LEGISLATIVE OVERSIGHT COMMITTEE TO COORDINATE THE WAR ON DRUGS IN ALABAMA.

WHEREAS, the drug problem in this state has become critical; and

WHEREAS, millions of dollars are being siphoned from the economy through illegal drug sales, thereby stifling economic growth in this state; and

WHEREAS, children of tender years are being victimized by unconscionable acts of drug dealers; and

WHEREAS, drug related crimes and suicides have reached an appalling rate; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an Interim Legislative Oversight Committee to coordinate the war on drugs in Alabama by coordinating the activities of law enforcement, the enforcement division of the Attorney General's office and the legislative and executive departments of the state.

BE IT FURTHER RESOLVED, That the committee shall be composed of the following members: Three members of each house of the Legislature, appointed by the presiding officers of each house; the director of the Department of Public Safety; the president of the Alabama District Attorney's Association; the president of the State Lodge of the Fraternal Order of Police; the president of the Alabama Sheriff's Association; and one representative of the Attorney General's office appointed by the Attorney General. The said interim committee shall meet during the interim periods between regular sessions of the Legislature, during which periods the legislative members shall each be entitled to and shall receive, the same daily legislative compensation, expense allowances, per diem and other compensation to which they are entitled for each day during which the committee shall meet. No member shall be paid for any meeting that they did not personally attend. The usual compensation of committee employees shall be paid as provided by law. It shall be the duty of the committee to make a careful investigation and study of the illegal drug situation in Alabama, hold hearings, inquire into ways and means of adequately financing drug enforcement programs, develop legislative programs to aid law enforcement in the war on drugs, and report its findings and recommendations no later than the seventh legislative day of each regular legislative session. A chairman, vice-chairman and secretary shall be elected at the first meeting of the committee. The first chairman shall be from the Senate and serve for two years at which time the chairmanship shall rotate to the House of Representatives. The committee may employ such clerical and expert assistance as the committee may find necessary in performing its duties.

All departments, boards, bureaus, commissions, agencies, offices and institutions of the state shall and are hereby directed to cooperate with the

committee and its staff and shall furnish any and all information that may be requested by the committee.

BE IT FURTHER RESOLVED, That there is hereby allocated for the use of the committee up to \$20,000.00 out of funds appropriated to the Legislature for such purposes.

BE IT RESOLVED FURTHER, That the final report of the committee, along with findings and recommendations shall be submitted to the Governor and the Legislature no later than the seventh legislative day of the 1990 Regular Session, at which time said committee shall terminate.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 28 set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

RECESS

On motion of Rep. Carter, the House recessed until 2:00 o'clock p.m.

HOUSE RECONVENED

The hour of 2:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 5. MOURNING THE DEATH OF MR. JESSIE DIXON OF CHOCTAW CITY, ALABAMA.

Also:

H. J. R. 7. COMMENDING ROSEMARY FOX, 1988 REALTOR OF THE YEAR.

Also:

H. J. R. 11. COMMENDING MORRIS SOKOL OF TUSCALOOSA, ALABAMA, AND DESIGNATING HIM AS DIRECTOR EMERITUS OF THE TUSCALOOSA COUNTY PARK AND RECREATION AUTHORITY BOARD.

Also:

H. J. R. 12. MOURNING THE DEATH OF ROY DAVID JOHNSON OF ARAB, ALABAMA.

Also:

H. J. R. 13. COMMENDING THE CENTRAL ALABAMA OPPORTUNITIES INDUSTRIALIZATION CENTER, INC., ON ITS TWENTIETH ANNIVERSARY.

Also:

H. J. R. 19. CONGRATULATING THE FRANCIS MARION HIGH SCHOOL RAMS AS ALABAMA'S STATE 2A BASKETBALL CHAMPIONS.

Also:

H. J. R. 22. COMMENDING THE OFFICIALS AND EMPLOYEES OF THE ROGERSVILLE WATER DEPARTMENT FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 27. EXPRESSING LEGISLATIVE INTENT REGARDING ACT NO. 88-620, H. 1032, 1988 REGULAR SESSION, WHICH PROVIDES FOR THE CREATION OF FIRE DISTRICTS IN ELMORE COUNTY.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 44. To amend Sections 32-9-20 and 32-9-25 of the Code of Alabama 1975 relating to motor vehicle sizes and lengths so as to further regulate the sizes and lengths of motor vehicles on highways in Alabama, and to further regulate exceptions and exemptions.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 31. NAMING THE BRIDGE OVER THE LOCUST FORK OF THE BLACK WARRIOR RIVER IN JEFFERSON COUNTY, THE "RAY MOORE BRIDGE."

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 8. To levy a privilege tax, on the pari-mutuel pool at any dog race track in the State of Alabama; to provide for the total take out by a licensee on pari-mutuel pools; to provide for the assessment and collection of such tax; to confer powers and impose duties on the Department of Revenue; to prescribe penalties for non-compliance; to provide for the distribution of the proceeds of such tax; and to provide for the requirements and procedures for the withholding of income tax due the State of Alabama on certain winnings from gambling and wagering and the requirements and procedures for the remittance of such withholding to the Department of Revenue.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Turner, the House concurred in and adopted the Senate amendment to the bill, H. 8, said Senate amendment being as follows:

Amend House Bill No. 8 Page 3 Line 13, by striking out "subsection (d) in its entirety.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams, Beasley, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Brooks, Bryant, Bugg, Burke, Butler, Campbell, Carothers, Carter, Coburn, Cosby, Crow, Curry, Dillard, Escott, Faulk, Ford, Gaston, Goodwin, Gray, Grouby, Hamilton, Hammett, Haynes, Headley, Higginbotham, Hill, Holley, Johnson (RG), Johnson (RW), Junkins, Knight, Laird, Layson, Lindsey, Logan, Marietta, Marks, McKee, McMillan, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Petelos, Poole, Rains, Richardson, Seibels, Spratt, Starkey, Thomas, Turner, Venable, Warren, White (F), White (L), Williams, Willis, Wright and Zoghby.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Rep. Ford would have voted "Yea" on the Senate amendment to the bill, H. 8, had he been in the Chamber at the time of voting.

RESOLUTIONS

The following resolution was introduced:

By Rep. Penry:

H. J. R. 32. DESIGNATING "GEOGRAPHY AWARENESS WEEK," NOVEMBER 13-19, 1988.

WHEREAS, the Alabama Legislature notes that the week of November 13-19, 1988 has been designated as National Geography Awareness Week by the United States Congress; and

WHEREAS, world geography is the study of people and the environment, lands, resources and industries of the people and we are a dependent and interconnected world; and

WHEREAS, our nation and the state of Alabama is diverse in multiethnic populations; rich cultural heritages, diverse lands and bountiful resources and the United States, as a world power, and the State of Alabama have worldwide involvements and influence with global responsibilities requiring knowledge and understanding of the people, lands, languages, and cultures of the world; and

WHEREAS, geography has had prominence in the lives of our citizens in years past which contributed to the appreciation of the great abundance of our natural resources and environs and the understanding of ourselves and people of the world, our relationship to the Earth and interdependence with the people of the world; and

WHEREAS, today geography generally has been offered to fewer than one in ten in the United States secondary school system and its study has all but been eliminated from American institute of higher learning to the point of endangering geography as a discipline, yet geography is a basic subject in the other world power countries; and

WHEREAS, ignorance in matters of business, politics, the environment and world relations, the knowledge of geography, foreign languages, heritages and cultures places the United States, and each state individually, at a disadvantage in survival as a world power and economic and cultural force; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate the week of November 13-19, 1988, as "Geography Awareness Week" in Alabama, and urge our citizens to begin the lifelong celebration of geography awareness and appreciation and urge them, together with our educational institutions and business communities to focus on combating geography illiteracy, dramatize the importance and rewards of studying geography and to restore geography to a place of prominence in our curriculum.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Superintendent of Education, the Alabama State Chamber of Commerce and to the Honorable Guy Hunt, so that they may promote the purposes of this resolution.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 32, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. McKee:

H. R. 33. COMMENDING LEANNE PUTNAM FOR EXTRAORDINARY SERVICE TO THE HOUSE OF REPRESENTATIVES.

MOTION TO RECESS LOST

The motion offered by Rep. Rogers that the House stand in recess to the call of the Chair was lost.

Yeas 22; Nays 30.

Yeas:

Reps. Blake, Box, Brooks, Burke, Buskey (JE), Butler, Carter, Clark (W), Cosby, Drake, Goodwin, Gray, Grayson, Harvey, Kennedy, Newton, Perdue, Rains, Spratt, Starkey, Warren and Williams.

—22

Nays:

Mr. Speaker, Adams, Blakeney, Crow, Curry, Dillard, Frazier, Gaston, Grouby, Hammett, Hill, Hogan, Junkins, Knight, Laird, Logan, Marietta, McKee, McMillan, Mikell, Moon, Newman, Penry, Richardson, Seibels, Venable, White (G), White (L), Willis and Zoghby.

—30

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Turnham:

H. R. 34. CONGRATULATING DR. D. L. "DAN" IRELAND, PRESIDENT OF THE AMERICAN COUNCIL ON ALCOHOL PROBLEMS.

Also:

By Rep. Newton:

H. R. 35. MOURNING THE DEATH OF MR. WILLIAM L. GRIER OF BIRMINGHAM, ALABAMA.

MOTION TO RECESS LOST

The motion offered by Rep. Davis that the House stand in recess to the call of the Chair was lost.

Yeas 13; Nays 28.

Yeas:

Reps. Blake, Box, Bugg, Clark (W), Davis, Gray, Kennedy, McClain, Perdue, Rains, Rogers, Seibels and Thomas.

—13

Nays:

Reps. Adams, Blakeney, Breedlove, Brooks, Coburn, Crow, Curry, Gaston, Grouby, Haynes, Johnson (RG), Knight, Laird, Layson, Logan, Marks,

McMillan, Mikell, Petelos, Poole, Richardson, Slaughter, Venable, Warren, White (G), White (L), Willis and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 20. DESIGNATING THE ACT NO. 88-856, S. 196, 1988 FIRST SPECIAL SESSION, AS THE "DIXON-BUTLER CONTRACT REVIEW ACT."

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill and House Joint Resolution, to-wit:

H. 44. To amend Sections 32-9-20 and 32-9-25 of the Code of Alabama 1975 relating to motor vehicle sizes and lengths so as to further regulate the sizes and lengths of motor vehicles on highways in Alabama, and to further regulate exceptions and exemptions.

Also:

H. J. R. 31. NAMING THE BRIDGE OVER THE LOCUST FORK OF THE BLACK WARRIOR RIVER IN JEFFERSON COUNTY, THE "RAY MOORE BRIDGE."

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill and House Joint Resolution, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 8. To levy a privilege tax, on the pari-mutuel pool at any dog race track in the State of Alabama; to provide for the total take out by a licensee on pari-mutuel pools; to provide for the assessment and collection of such tax; to confer powers and impose duties on the Department of Revenue; to prescribe penalties for non-compliance; to provide for the distribution of the proceeds of such tax; and to provide for the requirements and procedures for the withholding of income tax due the State of Alabama on certain winnings from gambling and wagering and the requirements and procedures for the remittance of such withholding to the Department of Revenue.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Laird, the rules were suspended in order to take up out of order the bill, S. 16.

And the bill:

S. 16. To further amend Section 40-12-252, Code of Alabama 1975, as amended, relating to the basis of tax for truck trailers, tractor trailers and semitrailers, so as to authorize a five-year registration option for these vehicles as now permitted for rental utility trailers, and gives the Department of Revenue the authority to develop and promulgate reasonable rules and regulations as needed to administer the provisions of this act.

Was read a third time at length and passed.

Yeas 68; Nays 1.

Yeas:

Mr. Speaker, Adams, Beers, Black, Blake, Blakeney, Box, Breedlove, Brooks, Bryant, Burke, Butler, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Drake,

Frazier, Fuller, Gaston, Gray, Grayson, Grouby, Hammett, Harper, Haynes, Headley, Hill, Hogan, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Laird, Layson, Lindsey, Logan, Marietta, Marks, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Parker, Penry, Richardson, Rogers, Seibels, Slaughter, Spratt, Thomas, Turner, Venable, Warren, White (F), White (G), White (L), Williams, Willis and Zoghby.

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Nay: Rep. Holmes.

—1

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Spratt and Perdue:

H. R. 36. COMMENDING DR. WAYMAN COPPIN MATHERSON.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Smith (J), Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuitt, Rice, Sanders, and Smith (B):

S. J. R. 35. COMMENDING THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AND MARSHALL SPACE FLIGHT CENTER ON THE SUCCESSFUL LAUNCH OF THE DISCOVERY SHUTTLE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Butler, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 35, the title of which is set out in the above and foregoing Message from the Senate.

RECESS

On motion of Rep. Burke, the House stood in recess to the call of the Chair.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 30. MEMORIALIZING THE UNITED STATES CONGRESS TO OVERRIDE THE PRESIDENT'S VETO OF THE TEXTILE, APPAREL AND FOOTWEAR TRADE ACT, H. R. 1154.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 5. This bill provides for an exception to the confidentiality provision of Chapter 11a of Title 22, Code of Alabama 1975, when a potential risk exists in the spread of a contagious disease by authorizing the State Committee of Public Health to establish guidelines for notification of pre-hospital transport agencies, funeral directors, school superintendents and others when indicated. The bill further sets penalties for violation.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 40. To amend Section 40-12-223, Code of Alabama 1975, for the purpose of exempting from the leasing tax imposed by Sections 40-12-220 through 40-12-227, Code of Alabama 1975, the gross proceeds derived from the leasing of tangible personal property pursuant to a sale-lease back financing that meets certain conditions, including the initial acquisition of such property by the lessee or by an entity controlled by, or under common control with, the lessee, the subsequent sale of such property to the lessor, and the leasing back of such property from the lessor by the lessee pursuant to a lease which, among other things, has a term of not less than fifteen years and does not constitute a sale for either Alabama or federal income tax purposes or both.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 14. To amend Section 40-12-227 of the Code of Alabama, 1975, relating to the disposition of tax proceeds on the leasing or renting of tangible personal property.

Also:

H. 15. To amend Section 40-26-20 of the Code of Alabama, 1975 relating to the disposition of proceeds from the transient occupancy tax.

McDOWELL LEE,
Secretary.

RECESS

On motion of Rep. Warren, the House recessed until 7:00 o'clock p.m.

The hour of 7:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 38. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1989, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 10. To provide for the creation of a special account to which the Legislature shall appropriate certain funds to prevent proration in the Alabama Special Educational Trust Fund; to prescribe criteria and procedures for withdrawals from such account in years of proration or in emergency situations as may be determined by the Legislature; to make annual appropriations to such account until a certain amount is established and to provide that such amount shall be maintained in separate trust from year to year except during years of proration in the Alabama Special Educational Trust Fund and in emergencies; to prescribe procedures and criteria for reimbursement to such account after withdrawals; to provide for the retention of accrued interest; to provide for an effective date; and to repeal conflicting provisions.

Also:

H. 39. To amend further section 17-4-156, Code of Alabama 1975, as amended, relating to meeting days of the boards of registrars, so as to provide further for such meeting days and to provide an effective date.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Johnson (RG):

H. R. 37. COMMENDING JOHN W. FLOYD FOR DISTINGUISHED SERVICE TO COMMUNITY AND STATE.

RECESS

On motion of Rep. Laird, the House recessed until 8:30 o'clock p.m.

HOUSE RECONVENED

The hour of 8:30 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

RESOLUTION

The following resolution was introduced:

By Rep. Johnson (RG):

H. J. R. 38. COMMENDING JOHN W. FLOYD FOR DISTINGUISHED SERVICE TO COMMUNITY AND STATE.

WHEREAS, John W. Floyd was elected to the Sylacauga City Council, Place 3, on July 8, 1980; was re-elected to a second term on July 31, 1984; elected president of the council on October 1, 1984; and since April 16, 1986, has served as Mayor of Sylacauga; and

WHEREAS, Mr. Floyd also has served since January 3, 1985, as Community Services Administrator with the Department of Youth Services and, in this capacity, has performed as liaison between DYS and the Legislature; and

WHEREAS, Mr. Floyd, however, is leaving the Department of Youth Services to accept a position as Executive Director of the City of Sylacauga's Chamber of Commerce, and although we will miss the working relationship and friendship we have enjoyed during his tenure with DYS, we sincerely wish him every future success in his new career with the Sylacauga Chamber of Commerce; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend John W. Floyd of Sylacauga, Alabama, for distinguished service to the City of Sylacauga and to the State of Alabama, and do further direct that he receive a copy of this resolution, executed in sincere friendship and warmest personal regard.

On motion of Rep. Johnson (RG), the rules were suspended and the resolution, H. J. R. 38, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Amari, Parsons, Cabaniss, Horn, and Bedford:

S. J. R. 26. NAMING THE BRIDGE OVER THE LOCUST FORK OF THE BLACK WARRIOR RIVER IN JEFFERSON COUNTY, THE "RAY MOORE BRIDGE."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Curry, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 26, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Denton, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Campbell, Corbett, Covington, deGraffenried, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hale, Hand, Hilliard, Holmes, Horn, Langford, Manley, Menton, Mitchem, Parsons, Preuit, Rice, Sanders, Smith (B), and Smith (J):

S. J. R. 43. CONGRATULATING DR. D. L. "DAN" IRELAND, PRESIDENT OF THE AMERICAN COUNCIL ON ALCOHOL PROBLEMS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 43, the title of which is set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Rep. Thomas:

H. R. 39. URGING ALABAMA'S CONGRESSIONAL DELEGATION TO SUPPORT THE PRIVATIZATION OF THE SPACE PROGRAM AND THE SELECTION OF THE MONTGOMERY SITE FOR FUTURE ASRM PROJECTS.

WHEREAS, the NASA Advanced Solid Rocket Motor (ASRM) project was initiated to provide NASA with the capability for lifting greater payload into space; and

WHEREAS, although NASA had expressed a wish that the ASRM project be located on a government-owned, contractor-operated (GOCO) site, a rising sentiment in Congress for more privatization of the space program resulted in NASA's allowing, in its ASRM project description, the proposal by potential contractors of one private site each to be contractor owned, contractor operated (COCO); and

WHEREAS, a site near Montgomery has been identified by a contractor as a private site alternative to the Yellow Creek (Mississippi) GOCO manufacturing site selected by NASA, and the final option is therefore between these two locations; and

WHEREAS, it is the sense of this body that the advantages of the COCO Montgomery site for the location of the ASRM project are clearly

evident, including the cost-saving benefit to the taxpayers of a privately financed COCO manufacturing site; and

WHEREAS, we further state our belief that Alabama's Congressional Delegation clearly has no choice in their allegiance in a consideration between a Yellow Creek ASRM project site, which will benefit only Mississippi, and a Montgomery site which will benefit Alabama, NASA and the United States taxpayers in cost savings and numerous other advantages; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we strongly urge each member of Alabama's Congressional Delegation to wholeheartedly support the privatization of the Space Program and, most particularly, the selection of the Montgomery COCO manufacturing site as the only logical choice for the future ASRM project.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to notify, by copy of this resolution, each member of the Alabama Congressional Delegation of this desire of the Alabama House of Representatives.

On motion of Rep. Thomas, the rules were suspended and the resolution, H. R. 39, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Penry:

H. R. 40. COMMENDING THE REVEREND STAN PERSONS FOR SERVICE TO HIS CHURCH AND COMMUNITY.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill and Senate Joint Resolution, your signature thereto is requested:

S. 16. To further amend Section 40-12-252, Code of Alabama 1975, as amended, relating to the basis of tax for truck trailers, tractor trailers and semitrailers, so as to authorize a five-year registration option for these vehicles as now permitted for rental utility trailers, and gives the Department of Revenue the authority to develop and promulgate reasonable rules and regulations as needed to administer the provisions of this act.

Also:

S. J. R. 35. COMMENDING THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AND MARSHALL SPACE FLIGHT CENTER ON THE SUCCESSFUL LAUNCH OF THE DISCOVERY SHUTTLE.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL AND SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length

having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill and Senate Joint Resolution, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 5. COMMENDING CALVIN WOOTEN OF ANNISTON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND CONTRIBUTIONS ON BEHALF OF THE BLIND AND VISUALLY IMPAIRED.

Also:

S. J. R. 6. COMMENDING JACK BOYKIN OF MONTROSE, ALABAMA, FOR OUTSTANDING GENEROSITY AND SERVICE TO THE ETHICS COMMISSION AND STATE OF ALABAMA.

Also:

S. J. R. 14. NAMING H. B. 6, ACT NO. 88-873, THE "CAMPBELL-BENNETT ACT."

Also:

S. J. R. 16. MOURNING THE DEATH OF JAMES WALSTON HESTER OF RUSSELLVILLE, ALABAMA.

Also:

S. J. R. 21. DESIGNATING A CERTAIN ROAD LOCATED OFF ALABAMA HIGHWAY 18 IN FAYETTE COUNTY AS THE "PIERCIE KIMBRELL ROAD."

Also:

S. J. R. 30. COMMENDING ARTHUR D. SHORES OF BIRMINGHAM, PROMINENT ALABAMA ATTORNEY AND CIVIL RIGHTS LEADER.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolution, to-wit:

H. 5. This bill provides for an exception to the confidentiality provision of Chapter 11a of Title 22, Code of Alabama 1975, when a potential risk

exists in the spread of a contagious disease by authorizing the State Committee of Public Health to establish guidelines for notification of pre-hospital transport agencies, funeral directors, school superintendents and others when indicated. The bill further sets penalties for violation.

Also:

H. 14. To amend Section 40-12-227 of the Code of Alabama, 1975 relating to the disposition of tax proceeds on the leasing or renting of tangible personal property.

Also:

H. 15. To amend Section 40-26-20 of the Code of Alabama, 1975 relating to the disposition of proceeds from the transient occupancy tax.

Also:

H. 40. To amend Section 40-12-223, Code of Alabama 1975, for the purpose of exempting from the leasing tax imposed by Sections 40-12-220 through 40-12-227, Code of Alabama 1975, the gross proceeds derived from the leasing of tangible personal property pursuant to a sale-lease back financing that meets certain conditions, including the initial acquisition of such property by the lessee or by an entity controlled by, or under common control with, the lessee, the subsequent sale of such property to the lessor, and the leasing back of such property from the lessor by the lessee pursuant to a lease which, among other things, has a term of not less than fifteen years and does not constitute a sale for either Alabama or federal income tax purposes or both.

Also:

H. J. R. 30. MEMORIALIZING THE UNITED STATES CONGRESS TO OVERRIDE THE PRESIDENT'S VETO OF THE TEXTILE, APPAREL AND FOOTWEAR TRADE ACT, H. R. 1154.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolution, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 10. To provide for the creation of a special account to which the Legislature shall appropriate certain funds to prevent proration in the Alabama Special Educational Trust Fund; to prescribe criteria and procedures

for withdrawals from such account in years of proration or in emergency situations as may be determined by the Legislature; to make annual appropriations to such account until a certain amount is established and to provide that such amount shall be maintained in separate trust from year to year except during years of proration in the Alabama Special Educational Trust Fund and in emergencies; to prescribe procedures and criteria for reimbursement to such account after withdrawals; to provide for the retention of accrued interest; to provide for an effective date; and to repeal conflicting provisions.

Also:

H. 38. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1989, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Also:

H. 39. To amend further section 17-4-156, Code of Alabama 1975, as amended, relating to meeting days of the boards of registrars, so as to provide further for such meeting days and to provide an effective date.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RECESS

On motion of Rep. Carothers, the House stood in recess to the call of the Chair.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 18. To make an appropriation of \$20,000 from the State General Fund to Brierfield Ironworks for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 23. To make an appropriation from the State General Fund in the amount of \$50,000 to the Alabama Mining Museum in Dora, Alabama for the fiscal year ending September 30, 1989 and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 45. To delete or restrict certain deductions from gross income for Alabama Income Tax purposes.

McDOWELL LEE,
Secretary.

SENATE AMENDMENT

On motion of Rep. Harper, the House concurred in and adopted the Senate amendment to the bill, H. 45, said Senate amendment being as follows:

Amend House Bill 45, on page 1, in Section 1, by deleting the sentence starting on line 32 with the word "Beginning" and ending on line 35 with the number "163" and inserting in lieu thereof the following:

Beginning with all tax years or periods beginning after December 31, 1987, the interest deductions allowed in each of such tax years or periods shall be limited to the amount allowable as an interest deduction for federal income tax purposes in the corresponding tax year or period pursuant to the provisions of 26 USC 163, as such federal tax statute exists as of the effective date of this act.

Yeas 83; Nays 3.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Bowling, Britnell, Brooks, Bryant, Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Curry, Davis, Dillard, Drake, Escott, Ford, Freeman, Fuller, Gaston, Goodwin, Gray, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Higginbotham, Holley, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Mikell, Moon, Newman, Newton, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Wright and Zoghby.

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Nays: Reps. Crow, Frazier and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 9. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1989.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Harper, the House concurred in and adopted the Senate amendment to the bill, H. 9, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1989.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. The monies in Section 2 are appropriated from the named funds for the 1988-89 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the totals for all programs are shown by the source of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

- (a) "Appropriation Total" shall mean the aggregate total of all fund sources.
- (b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the need of an identified clientele, or group of recipients or beneficiaries.
- (c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.
- (d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.

SECTION 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of government, and for the principal and interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1989, to be paid out of any monies

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hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act of 1976, Sections 41-19-1 through 12, Code of Alabama 1975. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

	Fund Sources Included In Appropriation Total		
	General Fund	Trust Funds	Appropriation Total
2A. LEGISLATIVE:			
1. EXAMINERS OF PUBLIC ACCOUNTS, DEPARTMENT OF:			
(a) Legislative Support-Audit Services Program			8,425,687
SOURCE OF FUNDS:			
(1) State General Fund	8,225,687		
(2) Federal Funds		200,000	
Total Department of Examiners of Public Accounts	8,225,687	200,000	8,425,687
2. LAW INSTITUTE, ALABAMA:			
(a) Support of Other Educational Activities Program			315,122
SOURCE OF FUNDS:			
(1) State General Fund	315,122		
Total Alabama Law Institute	315,122		315,122
3. LEGISLATIVE COUNCIL:			
(a) Legislative Operations and Support Program			212,200
SOURCE OF FUNDS:			
(1) State General Fund	212,200		
Pursuant to Section 29-6-1 et seq., <u>Code of Alabama 1975</u> .			
Total Legislative Council	212,200		212,200
4. LEGISLATIVE FISCAL OFFICE:			
(a) Legislative Operations and Support Program (to include program review and evaluation)			948,809
SOURCE OF FUNDS:			
(1) State General Fund	948,809		

Total Legislative Fiscal Office	948,809	948,809
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5. LEGISLATIVE REFERENCE SERVICE:

(a) Legislative Operations and Support Program		1,094,243
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SOURCE OF FUNDS:

(1) State General Fund	1,094,243	
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Total Legislative Reference Service	1,094,243	1,094,243
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6. LEGISLATURE:

(a) Legislative Operations and Support Program		8,500,000
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It is the intent of the Legislature that (1) the above appropriation shall include funds for the necessary technical expenses associated with reapportionment, (2) that at least \$50,000 shall be allocated for the Senate Finance and Taxation Committee, the Office of the Senate Pro Tempore and the Senate Rules Committee, and (3) that at least \$50,000 shall be allocated for the Ways and Means Committee, the House Rules Committee, and the office of the Speaker of the House. The appropriation to the Legislature shall be expended under the provisions set forth in Section 29-1-22, Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund	8,500,000	
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Total Legislature	8,500,000	8,500,000
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7. LEGISLATURES, NATIONAL CONFERENCE OF STATE:

(a) Legislative Operations and Support Program		72,667
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SOURCE OF FUNDS:

(1) State General Fund	72,667	
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Total National Conference of State Legislatures	72,667	72,667
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2B. JUDICIAL:

1. COURT OF CIVIL APPEALS:

(a) Court Operations Program		1,156,729
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SOURCE OF FUNDS:

(1) State General Fund	1,156,729	
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Total Court of Civil Appeals	1,156,729	1,156,729	
2. COURT OF CRIMINAL APPEALS:			
(a) Court Operations Program		1,729,106	
SOURCE OF FUNDS:			
(1) State General Fund	1,729,106		
Total Court of Criminal Appeals	1,729,106	1,729,106	
3. JUDICIAL INQUIRY COMMISSION:			
(a) Administrative Services Program		120,000	
SOURCE OF FUNDS:			
(1) State General Fund	120,000		
Total Judicial Inquiry Commission	120,000	120,000	
4. JUDICIAL RETIREMENT FUND:			
(a) Retirement Systems Program		1,524,500	
SOURCE OF FUNDS:			
(1) State General Fund	1,524,500		
Total Judicial Retirement Fund	1,524,500	1,524,500	
5. SUPREME COURT:			
(a) Court Operations Program		4,455,494	
SOURCE OF FUNDS:			
(1) State General Fund	4,455,494		
Total Supreme Court	4,455,494	4,455,494	
6. UNIFIED JUDICIAL SYSTEM:			
(Administrative Office of Courts)			
(a) Court Operations Program		57,848,108	
(b) Administrative Services Program		3,200,000	
(c) DUI Referral Program		100,000	
(d) Fringe Benefit Program, Estimated		300,000	
SOURCE OF FUNDS:			
(1) State General Fund	60,970,108		
(2) State General Fund-Social Security-County Judicial, Estimated	300,000		
(3) Clerks and Registers Supernumerary Fund		178,000	
Total Unified Judicial System	61,270,108	178,000	61,448,108
2C. EXECUTIVE:			
1. ACADEMY OF HONOR, ALABAMA:			
(a) Historical Resources Management Program			1,784

SOURCE OF FUNDS:

(1) State General Fund	1,784	
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As provided in Section 41-11-6, Code of Alabama 1975, and an additional amount.

Total Alabama Academy of Honor	1,784	1,784
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2. ACCOUNTANCY, ALABAMA
STATE BOARD OF PUBLIC:

(a) Professional and Occupational Licensing and Regulation Program		341,699
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SOURCE OF FUNDS:

(1) Alabama State Board of Public Accountancy Fund	341,699	
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As provided in Section 34-1-22, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.

Total Alabama State Board of Public Accountancy	341,699	341,699
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3. ADJUSTMENT, BOARD OF:

(a) Special Services Program		222,400
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SOURCE OF FUNDS:

(1) State General Fund	11,200	
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For the State General Fund Contribution to the total expenditure of \$750,000 pursuant to Section 41-9-73, Code of Alabama 1975.

(2) State General Fund, Estimated	200,000	
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For expenditures as provided in Section 31-3-2 and Section 36-30-2, Code of Alabama 1975.

(3) State General Fund-Administrative Costs	11,200	
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Total Board of Adjustment	222,400	222,400
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4. AERONAUTICS, DEPARTMENT OF:

(a) Airport Development and Aeronautical Support Program		867,986
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SOURCE OF FUNDS:

(1) Airport Development Fund	867,986	
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As provided by Section 4-2-42, Code of Alabama 1975.

Total Department of Aeronautics	867,986	867,986
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5. AGING, COMMISSION ON:

(a) Planning and Advocacy for the Elderly Program		16,686,225
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(b) Medicaid Waiver Services Program		6,271,024
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,320,036	
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(2) State General Fund-Transfer Medicaid Waiver	1,694,879	
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(3) Federal, Local and Miscellaneous Funds	19,942,334	
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Total Commission on Aging	3,014,915	19,942,334	22,957,249
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The Commission on Aging shall contract with the existing Regional Planning Commissions or Councils of Local Governments and/or Area Agencies on Aging to provide services for one-third of the State's present and future client slots for the program known as the "Medicaid Waiver Services Program-Home and Community-Based Waiver for the Elderly and Disabled". The Commission on Aging shall not withdraw Area Agency on Aging designations or alter the funding relationships with existing Area Agencies on Aging and Regional Planning Development Commissions or Councils of Local Governments without the approval of the Board of Directors of the Alabama Commission on Aging and complying with all federal and state statutory and regulatory requirements.

6. AGRICULTURAL AND CONSERVATION DEVELOPMENT COMMISSION:

(a) Water Resource Development Program		2,219,926
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,149,926	
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(2) Miscellaneous Funds		70,000
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As provided in Section 9-8A-4.1, Code of Alabama 1975.

Total Agricultural and Conservation Development Commission	2,149,926	70,000	2,219,926
7. AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION, ALABAMA:			
(a) Agricultural Development Services Program			50,000
SOURCE OF FUNDS:			
(1) State General Fund	50,000		
Total Alabama Agricultural and Industrial Exhibit Commission	50,000		50,000
8. AGRICULTURAL CENTER BOARD:			
(a) Agricultural Development Services Program			859,749
SOURCE OF FUNDS:			
(1) State General Fund	169,354		
For expense and awarding of prizes for fairs as provided in Section 2-7-21, Code of Alabama 1975, and other livestock shows and expositions.			
(2) State General Fund-Transfer-Operations	122,603		
(3) State General Fund-Transfer-Livestock Coliseum	282,982		
(4) Livestock Coliseum Fund		284,810	
Total Agricultural Center Board	574,939	284,810	859,749
9. AGRICULTURE AND INDUSTRIES, DEPARTMENT OF:			
(a) Administrative Services Program			1,782,511
(b) Agricultural Inspection Services Program			10,553,791
(c) Laboratory Analysis and Disease Control Program			3,968,608
(d) Agricultural Development Services Program			2,432,872
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	7,925,878		
(2) Federal, Local and Miscellaneous Funds		2,295,904	
(3) Shipping Point Inspection Fund ..		4,228,805	
Pursuant to Sections 2-9-20 et seq., Code of Alabama 1975. All fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and			

such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection grading and classification services for agricultural products including services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities.

(4) Agricultural Fund	4,287,195		
Total Department of Agriculture and Industries	7,925,878	10,811,904	18,737,782

10. ALABAMA TRUST FUND BOARD:

(a) Administrative Program			35,886
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	35,886		
Total Alabama Trust Fund Board	35,886		35,886

11. ALCOHOLIC BEVERAGE CONTROL BOARD, ALABAMA:

(a) Alcoholic Beverage Management Program			22,029,145
(b) Enforcement Program			5,886,000

The level and type of services to be provided by the Alcoholic Beverage Control Board for the Enforcement Program in fiscal year 1988-89 shall not be reduced below the level of services provided in this program in fiscal year 1987-88.

(c) Administrative Services Program			4,044,840
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The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the Department of Mental Health of \$1,000,000 and a transfer to the Department of Public Safety of \$2,000,000. The above transfers shall be made from the operating funds of the Alcoholic Beverage Control Board and shall not affect any distribution of revenue generated from the sale of alcoholic beverages.

SOURCE OF FUNDS:

(1) ABC Board Fund	31,959,985		
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In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store

put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized, such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board	31,959,985	31,959,985
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12. ARCHITECTS, BOARD FOR REGISTRATION OF:

(a) Professional and Occupational Licensing and Regulation Program	215,000
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SOURCE OF FUNDS:

(1) Fund of the Board for Registration of Architects	215,000
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As provided in Section 34-2-41, Code of Alabama 1975.

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Total Board for Registration of Architects	215,000	215,000
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13. ARCHIVES AND HISTORY,
DEPARTMENT OF:

(a) Historical Resources Management Program		2,677,074
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SOURCE OF FUNDS:

(1) State General Fund	2,556,704	
(2) Federal Funds	120,370	

Total Department of Archives and History	2,556,704	120,370	2,677,074
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14. ATTORNEY GENERAL, OF-
FICE OF THE:

(a) Legal Advice and Legal Services Program		6,783,322
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(b) Fair Marketing Practices Program		605,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	5,750,000		
(2) State General Fund-Transfer-Con- sumer Protection	550,000		
(3) Transfer from Department of Hu- man Resources		404,099	
(4) Federal, Local and Miscellaneous Funds		684,223	

Total Office of the Attorney General ..	6,300,000	1,088,322	7,388,322
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In addition to the above appropriation to the Office of the Attorney General, there is hereby appropriated the amount of \$611,000 to be conditional upon obtaining federal funds and it being used solely to continue operation of a Drug Enforcement Division as a state match for Federal Task Force Grants. Said funds may also be available for use as a state match for Federal Drug Grants and other Federal Grants; and unused funds will remain part of the overall General Fund and will not be allotted to the Office of the Attorney General.

15. AUDITOR, STATE:

(a) Fiscal Management Program		811,565
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SOURCE OF FUNDS:

(1) State General Fund	811,565	
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Total State Auditor	811,565	811,565
16. BANKING DEPARTMENT, STATE:		
(a) Charter, License and Regulate Fi- nancial Institutions Program		2,828,141
SOURCE OF FUNDS:		
(1) Banking Assessment Fees	2,522,441	
As provided in Section 5-2A-20, <u>Code</u> <u>of Alabama 1975.</u>		
(2) Loan Examination Fund	305,700	
As provided in Section 5-2A-24, Sec- tion 5-16-38.1, and Section 5-18-5, <u>Code of Alabama 1975.</u>		
Total State Banking Department	2,828,141	2,828,141
17. BAR ASSOCIATION, ALA- BAMA STATE:		
(a) Professional and Occupational Li- censing and Regulation Program		1,321,875
SOURCE OF FUNDS:		
(1) State Bar Association Fund	1,186,220	
As provided in Section 34-3-4 and Sec- tion 34-3-44, <u>Code of Alabama 1975.</u>		
(2) Local Funds, Estimated	135,655	
As provided in Section 34-3-44, 34-3- 17 and 34-3-18, <u>Code of Alabama</u> <u>1975.</u>		
Total Alabama State Bar Association	1,321,875	1,321,875
18. BEAR CREEK DEVELOP- MENT AUTHORITY:		
(a) Water Resource Development Program		54,535
SOURCE OF FUNDS:		
(1) State General Fund	54,535	
Total Bear Creek Development Authority	54,535	54,535
19. BUILDING COMMISSION, STATE:		
(a) Special Services Program		1,197,016
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	796,206	
(2) Federal, Local and Miscellaneous Funds	400,810	

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Total State Building Commission	796,206	400,810	1,197,016
20. CAHAWBA ADVISORY COMMITTEE:			
(a) Historical Resources Management Program			9,550
SOURCE OF FUNDS:			
(1) State General Fund	9,550		
Total Cahawba Advisory Committee ..	9,550		9,550
21. CHILD ABUSE AND NEGLECT PREVENTION BOARD:			
(a) Social Services Program			451,909
In accordance with Sections 26-16-1 et seq., <u>Code of Alabama 1975</u> .			
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	275,000		
(2) Children's Trust Fund, Estimated		176,909	
Total Child Abuse and Neglect Prevention Board	275,000	176,909	451,909
22. CHIROPRACTIC EXAMINERS, ALABAMA STATE BOARD OF:			
(a) Professional and Occupational Licensing and Regulation Program			75,750
SOURCE OF FUNDS:			
(1) Alabama State Board of Chiropractic Examiner's Fund		75,750	
As provided in Section 34-24-143, <u>Code of Alabama 1975</u> .			
Total Alabama State Board of Chiropractic Examiners		75,750	75,750
23. CONSERVATION AND NATURAL RESOURCES, DEPARTMENT OF:			
(a) State Land Management Program			760,000
(b) Outdoor Recreation Sites and Services Program			25,761,700
(c) Marine Police Program			3,309,946
(d) Wildlife Game and Fish Program			12,835,500
(e) Marine Resources Program			2,072,000
Of the above appropriation, \$50,000 shall be used for the oyster planting program.			

(f) Land and Water Conservation Program	1,200,000
(g) Administrative Services Program	2,648,399

The appropriation to the Department of Conservation and Natural Resources shall include Alabama's pro rata share of the Gulf States Marine Fisheries Commission operation expenses. The appropriation to the Department of Conservation and Natural Resources includes funds for the maintenance, staff and repair of the Governor's official beach mansion.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,561,700	
(2) Game and Fish Fund		12,835,500
(3) State Lands Fund		760,000

The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.

(4) Marine Resources Fund	2,072,000
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In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division programs or projects which he deems appropriate.

(5) Marine Police Fund	3,309,946
(6) State Parks Fund	300,000
(7) Parks Revolving Fund	21,800,000
(8) Administrative Funds	2,648,399

The funds hereinabove appropriated shall be payable as provided in Section 9-2-1 et seq., Code of Alabama 1975.

(9) Cigarette Tax	1,100,000
(10) Federal Land and Water Fund ...	1,200,000

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Total Department of Conservation and Natural Resources	2,561,700	46,025,845	48,587,545
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24. CONTRACTORS, STATE LICENSING BOARD FOR GENERAL:

(a) Professional and Occupational Licensing and Regulation Program			401,122
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SOURCE OF FUNDS:

(1) State Licensing Board for General Contractors Fund		401,122	
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Pursuant to Section 34-8-25, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

Total State Licensing Board for General Contractors		401,122	401,122
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25. CORRECTIONS, DEPARTMENT OF:

(a) Administrative Services and Logistical Support Program			8,343,617
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(b) Institutional Services Corrections Program			103,392,457
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(c) Correctional Agricultural and Industries Program			19,949,300
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The Department of Corrections shall not utilize any portion of its State General Fund appropriation to support the Correctional Industries Program, for either the agribusiness element or the industries element.

(d) Transfer to State General Fund from the Correctional Industries Revolving Fund			1,500,000
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Notwithstanding any other law to the contrary and specifically including Section 5 of Act No. 87-715, it is further the intent of the Legislature that in accordance with Section 14-7-20 of the Code of Alabama, 1975, that this transfer be made.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	108,936,074	
(2) Department of Corrections Fund		24,249,300

The above amount shall include \$1,500,000 to be transferred from the Correctional Industries Revolving Fund to the State General Fund. The Commissioner of the Department of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Department of Corrections. Any such grant funds so generated and in direct support of the Department of Corrections' operations are also hereby appropriated.

Total Department of Corrections	108,936,074	24,249,300	133,185,374
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In addition to the above appropriation to the Department of Corrections, there is hereby conditionally appropriated from the State General Fund \$2,800,000 for prisons at Clayton and Clio, to be conditioned upon the availability of funds in the State General Fund, the determination of a demonstrated need, recommendation by the Finance Director, and approval by the Governor.

26. COSMETOLOGY, ALABAMA
BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	667,590
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SOURCE OF FUNDS:

(1) Alabama Board of Cosmetology Fund	667,590
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As provided in Section 34-7-42, Code of Alabama 1975.

Total Alabama Board of Cosmetology	667,590	667,590
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27. COUNSELING, ALABAMA
BOARD OF EXAMINERS IN:

(a) Professional and Occupational Licensing and Regulation Program	58,700
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SOURCE OF FUNDS:

(1) Alabama Board of Examiners in Counseling Fund	58,700
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As provided in Section 34-8A-6, Code of Alabama 1975.

Total Alabama Board of Examiners in Counseling	58,700	58,700
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28. CREDIT UNION ADMINISTRATION, ALABAMA:

(a) Charter, License and Regulate Financial Institutions Program		400,700
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SOURCE OF FUNDS:

(1) Alabama Credit Union Administration Fund	400,700	
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As provided in Section 5-17-7, Code of Alabama 1975.

Total Alabama Credit Union Administration	400,700	400,700
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29. CRIME VICTIMS COMPENSATION COMMISSION, ALABAMA:

(a) Special Services Program, Estimated		416,606
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SOURCE OF FUNDS:

(1) Alabama Crime Victims Compensation Commission Fund, Estimated	416,606	
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To be expended in accordance with Sections 15-23-1 et seq., Code of Alabama 1975.

Total Alabama Crime Victims Compensation Commission	416,606	416,606
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30. CRIMINAL JUSTICE INFORMATION CENTER, ALABAMA:

(a) Criminal Justice Information Services Program		3,666,419
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,820,503		
(2) Federal, Local, and Miscellaneous Funds		845,916	

Total Alabama Criminal Justice Information Center	2,820,503	845,916	3,666,419
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31. DEVELOPMENT OFFICE, ALABAMA:

(a) Promotional Development Program-Alabama Film Commission ...		255,000
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(b) Administrative Services Program-Office of Minority Business		105,500
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(c) Industrial Development Program- Alabama Development Office	4,889,215
(d) Alabama Reunion	300,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer-Ala- bama Development Office	5,089,215		
(2) State General Fund-Transfer-Of- fice of Minority Business	105,500		
(3) State General Fund-Transfer-Ala- bama Film Commission	255,000		
(4) Federal, Local and Miscellaneous Funds		100,000	
Total Alabama Development Office	5,449,715	100,000	5,549,715

32. DISTRICT ATTORNEYS:

(a) Court Operations Program	12,272,926
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The proposed spending plan included
in the above total is as follows:

Salaries of District

Attorneys 2,328,356

Salary of elected Deputy District At-
torney of the Bessemer Division of
the 10th Judicial Circuit 56,955

For the use of the elected Assistant
District Attorney of the Bessemer
Division of the 10th Judicial
Circuit 135,853

Salaries and expenses of Supernumer-
ary District Attorneys 1,110,780

For use in the District Attorney's Of-
fice of the following Judicial Circuits:

1st Judicial Circuit	120,186
2nd Judicial Circuit	135,902
3rd Judicial Circuit	185,133
4th Judicial Circuit	416,609
5th Judicial Circuit	383,934
6th Judicial Circuit	297,195
7th Judicial Circuit	237,019
8th Judicial Circuit	180,284
9th Judicial Circuit	160,593
10th Judicial Circuit	450,472
11th Judicial Circuit	129,487
12th Judicial Circuit	276,489
13th Judicial Circuit	492,114
14th Judicial Circuit	158,443
15th Judicial Circuit	421,074

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16th Judicial Circuit	259,190
17th Judicial Circuit	133,970
18th Judicial Circuit	285,907
19th Judicial Circuit	196,099
20th Judicial Circuit	203,277
21st Judicial Circuit	153,622
22nd Judicial Circuit	134,304
23rd Judicial Circuit	336,251
24th Judicial Circuit	127,428
25th Judicial Circuit	121,918
26th Judicial Circuit	213,874
27th Judicial Circuit	169,264
28th Judicial Circuit	259,411
29th Judicial Circuit	229,835
30th Judicial Circuit	218,883
31st Judicial Circuit	125,133
32nd Judicial Circuit	161,275
33rd Judicial Circuit	158,966
34th Judicial Circuit	110,355
35th Judicial Circuit	105,337
36th Judicial Circuit	106,950
37th Judicial Circuit	213,561
38th Judicial Circuit	162,593
39th Judicial Circuit	138,204
Travel Expenses of District Attorneys	75,000
Investigators Subsistence-Section 36-21-2, <u>Code of Alabama</u> 1975	196,441

SOURCE OF FUNDS:

(1) State General Fund	12,272,926	
Total District Attorneys	12,272,926	12,272,926

33. ECONOMIC AND COMMUNITY AFFAIRS, ALABAMA DEPARTMENT OF:

(a) Administrative Support Services Program	4,460,955
(b) Planning Program	37,395,474

Of the above appropriation, \$2,000,000 shall be allocated for capital facilities to be used for scientific research conducted in the Birmingham area.

(c) Special Services Program	18,941,180
(d) Skills Enhancement and Employment Opportunities Program	62,766,488
Of the above appropriation, \$300,000 shall be spent for the Regional Planning Commissions.	
(e) Energy Management Program	14,918,242
(f) Traffic Control and Accident Prevention Program	3,186,905
(g) Law Enforcement Planning and Development Program	3,303,226
(h) Surplus Property Program	1,310,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer	9,497,979		
(2) Federal, Local and Miscellaneous Funds		131,493,354	
(3) Administrative Transfers		3,981,137	
(4) Administrative Transfers from Federal Donated Surplus Property Sales		700,000	
(5) Administrative Transfers from State-Owned Surplus Property Sales		610,000	
Total Alabama Department of Economic and Community Affairs	9,497,979	136,784,491	146,282,470

34. EDUCATION, DEPARTMENT OF:

(a) Direct Client Services for the Handicapped-Homebound Program	2,000,000
(b) Projects-Vocational Rehabilitation/Crippled Children Services Program-Eye Injury Register	30,000

SOURCE OF FUNDS:

(1) State General Fund	2,030,000	
Total Department of Education	2,030,000	2,030,000

35. ELECTRICAL CONTRACTORS, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	93,000
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SOURCE OF FUNDS:

(1) Electrical Contractors Board Fees	93,000
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As provided in Section 34-36-17, Code of Alabama 1975.

Total Board of Electrical Contractors	93,000	93,000
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36. ELK RIVER DEVELOPMENT AGENCY:

(a) Water Resource Development Program		4,265
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SOURCE OF FUNDS:

(1) State General Fund	4,265	
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Total Elk River Development Agency	4,265	4,265
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37. EMERGENCY MANAGEMENT AGENCY:

(a) Readiness and Recovery Program		4,980,194
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(b) Transfer to County Emergency Management Agencies		350,000
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The above appropriation of \$350,000 is to be in addition to the regular allocations to county emergency management agencies.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,066,148	
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(2) Federal, Local and Miscellaneous Funds		4,264,046
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Total Emergency Management Agency	1,066,148	4,264,046	5,330,194
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38. ENERGY BOARD, SOUTHERN STATES:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geological Research and Topographic Mapping Program		21,171
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SOURCE OF FUNDS:

(1) State General Fund	21,171	
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Total Southern States Energy Board	21,171	21,171
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39. ENGINEERS AND LAND SURVEYORS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL:

(a) Professional and Occupational Licensing and Regulation Program		397,100
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SOURCE OF FUNDS:

(1) Professional Engineers' Fund	397,100	
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As provided in Section 34-11-36, Code of Alabama 1975.

Total State Board of Registration for Professional Engineers and Land Surveyors		397,100	397,100
40. ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF:			
(a) Environmental Management Program			32,355,830
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	4,995,110		
(2) State General Fund-Transfer to Water Pollution Control Authority	2,700,000		
(3) State General Fund-Transfer to Tire Recycling Center	100,000		
(4) Environmental Management Fees		2,128,350	
As provided in Section 22-22A-11, <u>Code of Alabama 1975</u> .			
(5) Federal, Local and Miscellaneous Funds		8,532,370	
(6) Federal Match-Water Pollution Control Authority		13,500,000	
(7) Transfer from Underground Storage Tank Trust Fund-Act 88-378 ...		400,000	
Total Department of Environmental Management	7,795,110	24,560,720	32,355,830
41. ETHICS COMMISSION, ALABAMA:			
(a) Regulation of Public Officials and Employees Program			307,679
SOURCE OF FUNDS:			
(1) State General Fund	307,679		
Total Alabama Ethics Commission	307,679		307,679
42. FARM CRISIS AND TRANSITION PROGRAM:			
(a) Agricultural Development Services Program			100,000
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	100,000		
Total Farm Crisis and Transition Program	100,000		100,000
43. FARMERS' MARKET AUTHORITY:			
(a) Agricultural Development Services Program			268,256
SOURCE OF FUNDS:			
(1) State General Fund-Transfer for Administration	94,374		

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(2) Farmers' Market Authority Administration-Transfer from Cap- ital Outlay Account	36,941		
(3) Farmers' Market Authority Fund- Revenue and Capital Outlay Account	136,941		
Total Farmers' Market Authority	94,374	173,882	268,256
44. FINANCE, DEPARTMENT OF:			
(a) Fiscal Management Program			3,701,538
(b) Administrative Support Services Program			4,533,040
SOURCE OF FUNDS:			
(1) State General Fund	8,184,578		
(2) Miscellaneous Funds		50,000	
Total Department of Finance	8,184,578	50,000	8,234,578
45. FINANCE, DEPARTMENT OF- AIR TRANSPORTATION:			
(a) Administrative Support Services Program			1,892,270
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	1,148,487		
(2) Departmental Receipts, Estimated		743,783	
Total Department of Finance-Air Transportation	1,148,487	743,783	1,892,270
46. FINANCE, DEPARTMENT OF- ALABAMA BUILDING AU- THORITY:			
(a) Administrative Support Services Program, Estimated			1,397,605
(b) Asbestos Removal and Renova- tion, Estimated			3,075,559
SOURCE OF FUNDS:			
(1) Alabama Building Authority Op- erating Fund		4,473,164	
Total Department of Finance-Ala- bama Building Authority		4,473,164	4,473,164
47. FINANCE, DEPARTMENT OF- ALABAMA BUILDING FI- NANCE AUTHORITY:			
(a) Administrative Support Services Program, Estimated			1,047,021
SOURCE OF FUNDS:			
(1) Alabama Building Finance Au- thority Operating Fund		1,047,021	

Total Department of Finance-Alabama Building Finance Authority ..	1,047,021	1,047,021
48. FINANCE, DEPARTMENT OF-CAPITOL COMPLEX MAINTENANCE AND REPAIR:		
(a) Administrative Support Services Program, Estimated		2,642,641
SOURCE OF FUNDS:		
(1) Capitol Complex Revolving Fund	2,642,641	
Total Department of Finance-Capitol Complex Maintenance and Repair	2,642,641	2,642,641
49. FINANCE, DEPARTMENT OF-DATA CENTER REVOLVING FUND:		
(a) Administrative Support Services Program, Estimated		16,697,200
SOURCE OF FUNDS:		
(1) Data Center Revolving Fund	16,697,200	
Total Department of Finance-Data Center Revolving Fund	16,697,200	16,697,200
50. FINANCE, DEPARTMENT OF-STATE INSURANCE FUND:		
(a) Administrative Support Services Program		749,696
SOURCE OF FUNDS:		
(1) State Insurance Fund-Admin.	749,696	
As provided in Sections 41-15-1 et seq., Code of Alabama 1975.		
Total Department of Finance-State Insurance Fund	749,696	749,696
51. FINANCE, DEPARTMENT OF-CENTRAL MAIL AND SUPPLY:		
(a) Administrative Support Services Program, Estimated		5,586,954
SOURCE OF FUNDS:		
(1) Mail and Supply Revolving Fund	5,586,954	
Total Department of Finance-Central Mail and Supply	5,586,954	5,586,954
52. FINANCE, DEPARTMENT OF-MOTOR POOL:		
(a) Administrative Support Services Program, Estimated		1,794,828
SOURCE OF FUNDS:		
(1) Motor Pool Revolving Fund	1,794,828	

Total Department of Finance-Motor Pool	1,794,828	1,794,828
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53. FINANCE, DEPARTMENT OF-
PRINTING AND PUBLICA-
TIONS:

(a) Administrative Support Services Program		4,542,084
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SOURCE OF FUNDS:

(1) Printing and Publications Revolving Fund	4,542,084	
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Total Department of Finance-Printing and Publications	4,542,084	4,542,084
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54. FINANCE, DEPARTMENT OF-
DSMD SUPERCOMPUTER RE-
VOLVING FUND:

(a) Administrative Support Services Program, Estimated		1,000,000
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The above appropriation is for the maintenance and operation of the Supercomputer.

SOURCE OF FUNDS:

(1) Collections from state agencies and other entities	1,000,000	
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Total Department of Finance-DSMD Supercomputer Revolving Fund	1,000,000	1,000,000
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55. FINANCE, DEPARTMENT OF-
TELEPHONE REVOLVING
FUND:

(a) Administrative Support Services Program		9,556,200
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,312,000		
(2) Telephone Revolving Fund, Est. ..	7,244,200		

Total Department of Finance-Telephone Revolving Fund	2,312,000	7,244,200	9,556,200
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56. FOREIGN TRADE RELA-
TIONS COMMISSION:

(a) Special Services Program		100,000
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SOURCE OF FUNDS:

(1) State General Fund	100,000	
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Total Foreign Trade Relations Commission	100,000		100,000
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57. FORENSIC SCIENCES, DEPARTMENT OF:			
(a) Forensic Science Services Program			6,228,418
SOURCE OF FUNDS:			
(1) State General Fund	6,070,945		
(2) Federal, Local and Miscellaneous Funds		157,473	
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Total Department of Forensic Sciences	6,070,945	157,473	6,228,418
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58. FORESTERS, ALABAMA STATE BOARD OF REGISTRATION FOR:			
(a) Professional and Occupational Licensing and Regulation Program			24,500
SOURCE OF FUNDS:			
(1) Professional Foresters Fund		24,500	
As provided in Section 34-12-36, <u>Code of Alabama 1975</u> .			
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Total Alabama State Board of Registration for Foresters		24,500	24,500
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59. FORESTRY COMMISSION, ALABAMA:			
(a) Forest Resources Protection and Development Program			23,435,455
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	12,428,016		
(2) Federal and Local Funds		2,801,625	
(3) Forestry Commission Fund		8,205,814	
Of the above appropriation, \$2,668,000 shall be used for rural and community fire protection.			
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Total Alabama Forestry Commission	12,428,016	11,007,439	23,435,455
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Of the above appropriation, \$200,000 shall be used for forestry research, marketing, management and environmental improvement grants.			
In addition to the above appropriation to the Alabama Forestry Commission, there is hereby conditionally appropriated for capital outlay from the Alabama Forestry Commission Fund the net proceeds from the sale of certain present property where the			

Birmingham District Headquarters is located in Jefferson County. The proceeds from said sale shall be covered into the Alabama Forestry Commission Fund. The above conditional appropriation shall be used to purchase land, building(s), and/or construction of building(s) in order to relocate the Birmingham District Headquarters. This conditional appropriation shall become absolute when said sale is concluded, recommended by the Finance Director and approved by the Governor.

60. FUNERAL SERVICE, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program	128,000
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SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund	128,000
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As provided in Section 34-13-23, Code of Alabama 1975.

Total Alabama Board of Funeral Service	128,000	128,000
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61. GEOLOGICAL SURVEY:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program	2,647,514
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SOURCE OF FUNDS:

(1) State General Fund	2,068,645
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(2) Federal, Local and Micellaneous Funds	578,869
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Total Geological Survey	2,068,645	578,869	2,647,514
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62. GORGAS MEMORIAL BOARD:

(a) Historical Resources Management Program	5,000
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SOURCE OF FUNDS:

(1) State General Fund	5,000
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As provided in Section 41-9-220, Code of Alabama 1975, and an additional amount.

Total Gorgas Memorial Board	5,000	5,000
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63. GOVERNOR'S CONTINGENCY FUND:

(a) Executive Direction Program	1,100,000
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SOURCE OF FUNDS:

(1) State General Fund	1,100,000	
Total Governor's Contingency Fund ...	1,100,000	1,100,000

64. GOVERNOR'S MANSION AD-
VISORY BOARD:

(a) Historical Resources Management Program		9,073
(b) Capital Outlay		250,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer	259,073	
Total Governor's Mansion Advisory Board	259,073	259,073

65. GOVERNOR'S MANSION:

(a) Executive Direction Program		181,450
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SOURCE OF FUNDS:

(1) State General Fund	181,450	
Total Governor's Mansion	181,450	181,450

66. GOVERNOR'S OFFICE:

(a) Executive Direction Program		1,559,403
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SOURCE OF FUNDS:

(1) State General Fund	1,559,403	
Total Governor's Office	1,559,403	1,559,403

67. GOVERNOR'S OFFICE ON
VOLUNTEERISM:

(a) Executive Direction Program		82,321
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	82,321	
Total Governor's Office on Volunteerism	82,321	82,321

68. HEALTH, DEPARTMENT OF
PUBLIC:

(a) Personal Health Improvement Program		71,468,578
(b) Health Support Services Program		44,051,070

Of the amount appropriated to support local health department services, \$4,020,000 shall be used to provide a minimum staff in each of the 67 counties, and the remaining shall be allocated to the counties on the basis of need and a match formula to be determined by the Department.

(c) Administrative Services Program 7,600,000

SOURCE OF FUNDS:

(1) State General Fund 28,045,546
(2) Cigarette Tax-\$0.01 and \$0.02 4,000,000

As provided in Section 40-25-2 and
Section 40-25-23, Code of Alabama
1975.

(3) Vital Statistics Fund 1,381,254
(4) Hospital Licensing Fund 235,000
(5) Emergency Medical Services
Fund 50,000

As provided in Section 22-18-4, Code
of Alabama 1975.

(6) Local Health Departments 20,880,748
(7) Nuclear Monitoring Fund 139,000
(8) Radiation Safety Fund 100,000
(9) Miscellaneous Funds SOBRA
Services Program 2,400,000
(10) Miscellaneous Funds 8,800,000
(11) Federal Funds 57,088,100

Total Department of Public Health	28,045,546	95,074,102	123,119,648
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Of the above appropriation to the Department of Public Health, at least \$2,000,000 shall be spent on perinatal projects. The Department of Health will reimburse to the Alabama Medicaid Agency the state match necessary to cover increased revenues for services as a result of fee increases. The Department of Public Health will be responsible to the Alabama Medicaid Agency for any disallowance of costs as a result of federal or state audit.

69. HEALTH PLANNING
AGENCY, STATE:

(a) Health Planning Development and
Regulation Program 654,797

SOURCE OF FUNDS:

(1) State General Fund-Transfer 304,797
(2) Certificate of Need Fees 300,000
(3) Federal, Local and Miscellaneous
Funds 50,000

Total State Health Planning Agency ..	304,797	350,000	654,797
70. HEARING AID DEALERS, ALABAMA BOARD OF:			
(a) Professional and Occupational Li- censing and Regulation Program			40,000
SOURCE OF FUNDS:			
(1) State Board of Health-Hearing Aid Fund		40,000	
As provided in Section 34-14-33, <u>Code of Alabama 1975.</u>			
Total Alabama Board of Hearing Aid Dealers		40,000	40,000
71. HEATING AND AIR CONDI- TIONING CONTRACTORS, BOARD OF:			
(a) Professional and Occupational Li- censing and Regulation Program			133,301
SOURCE OF FUNDS:			
(1) Heating and Air Conditioning Contractors Fund		133,301	
Total Board of Heating and Air Con- ditioning Contractors		133,301	133,301
72. HERITAGE TRUST FUND, ALABAMA:			
(a) Fiscal Management Program			20,000
SOURCE OF FUNDS:			
(1) Heritage Trust Income		20,000	
Total Alabama Heritage Trust Fund ..		20,000	20,000
73. HIGHWAY DEPARTMENT:			
(a) Central Administration Program			10,706,273
(b) Division and District Supervision Program			19,224,843
(c) Operations and Support Services Program			7,972,800
(d) Maintenance Program			131,438,043
(e) Non-Programmatic Programs			108,842,333
Proposed spending plan for the above (e) includes the following:			
Debt Service	107,285,685		
Equipment-Other than Automotive	1,556,648		
(f) Construction-Federal Aid Program			335,208,070
Proposed Spending Plan for the above (f) includes the following:			
Federal Aid Matching	47,629,452		

Non-Participating Work on Federal Projects	1,000,000	
Federal Aid	286,578,618	
(g) Construction-State Program		20,240,000
(h) Operations-Land and Buildings ...		1,408,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer	211,500	
(2) Public Road and Bridge Fund		348,250,244
(3) Federal Aid		286,578,618

There is hereby appropriated, for payment of the principal of and the interest on all bonds theretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, Alabama Federal Aid Highway Finance Authority, or Alabama Industrial Access Road and Bridge Corporation, a total of \$107,285,685 or so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment. The Highway Director with the consent of the Governor and the Finance Director shall have the authority to transfer any appropriation or any portion thereof between and among Subsections (a), (b), (c), (d), (e), (f), (g), (h), of this Section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available. In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable. In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

- (1) the appropriations made for Debt Service in Subsection (e) hereof shall be paid in full, (2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purposes referred to in Subsections (a), (b), (c), (d), (e), (f), (g), (h) except for Debt Service, hereof shall be allocated among the purposes referred to in said Subsections in such order and

with such priorities as the State Highway Director shall from time to time direct. The funds appropriated in Subsection (f) hereof, for the matching Federal Funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made. In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available.

Total Highway Department	211,500	634,828,862	635,040,362
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In addition to the above appropriation to the Highway Department, there is hereby appropriated the sum of \$350,000 from any sources available to the Highway Department as the state match for additional federal mass transit funds, to purchase capital equipment (rolling stock) for the state mass transportation program, and for an insurance and/or self-insurance program.

74. HISTORIC BLAKELEY AUTHORITY:

(a) Tourism and Travel Promotion Program		290,150
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SOURCE OF FUNDS:

(1) State General Fund	290,150	
Total Historic Blakeley Authority	290,150	290,150

75. HISTORIC CHATTAHOOCHEE COMMISSION:

(a) Historical Resources Management Program		98,200
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SOURCE OF FUNDS:

(1) State General Fund	98,200	
Total Historic Chattahoochee Commission	98,200	98,200

76. HISTORICAL COMMISSION, ALABAMA:

(a) Historical Resources Management Program		1,902,466
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(b) Historical Resources Management Program-Capital Outlay		108,249
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,076,814		
The State General Fund appropriation shall be distributed as follows:			
Historical Commission, Alabama	505,040		
Historical Commission, Alabama-La Grange	7,774		
Historical Commission, Alabama- Magnolia Grove	38,000		
Historical Commission, Alabama-Fort Morgan	180,000		
Historical Commission, Alabama-Fort Toulouse	110,294		
Historical Commission, Alabama-John T. Morgan House, Selma	11,460		
Historical Commission, Alabama- Cahaba	150,000		
Historical Commission, Alabama- Gaineswood	74,246		
(2) State General Fund-Transfer- Capital Outlay	108,249		
(3) Federal, Local and Miscellaneous Funds		825,652	
Total Alabama Historical Commission	1,185,063	825,652	2,010,715

As provided in Act No. 87-749, in addition to the amounts appropriated hereinabove to the Alabama Historical Commission, there is hereby appropriated the proceeds from the sale of 1945 legislative desks and chairs for the cost of reproduction furniture to be used in the restoration of the Alabama State Capitol.

Of the above appropriation to the Alabama Historical Commission, \$50,000 shall be used for a museum that traces the history of coal mining.

77. HUMAN RESOURCES, DEPARTMENT OF:

(a) Human Services Program 280,905,417

It is the intent of the Legislature that allotments be made to the County Departments of Human Resources in the amount of \$165,500 to fund, upon approval of the county department director, supplemental client

services not otherwise provided for through existing programs of the Department of Human Resources. Allotments to the county departments based on the counties' populations according to the 1980 census are as follows: county populations greater than 50,000, \$3,500; county populations less than 50,000, \$2,000. It is also the intent of the Legislature that at least \$1,000,000 shall be expended for additional day care slots.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	12,871,809		
(2) State General Fund-Transfer-Day Care Slots	1,500,000		
(3) State General Fund-Transfer-Group Homes	1,000,000		
(4) Federal, Local and Miscellaneous Funds		185,874,156	
(5) ABC Profits		1,070,000	
(6) Whiskey Tax		21,100,000	
(7) Beer Tax		8,100,000	
(8) Pension Residue		14,000,000	
(9) Sales Tax		1,322,000	
(10) Franchise Tax		13,600,000	
(11) Child Support Collections		3,127,097	
(12) Sales Tax for Food Stamps		11,090,355	
(13) Cigarette Tax		4,375,000	
(14) Contractor's Gross Receipts Tax		1,875,000	
Total Department of Human Resources	15,371,809	265,533,608	280,905,417

78. INDIAN AFFAIRS COMMISSION, ALABAMA:

(a) Social Services Program	152,560
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The above appropriation is to be expended in accordance with Sections 41-9-708 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund	152,560	
Total Alabama Indian Affairs Commission	152,560	152,560

79. INDUSTRIAL DEVELOPMENT AUTHORITY, STATE:

(a) Industrial Development Program	76,100
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SOURCE OF FUNDS:

(1) SIDA Application Fees Fund	76,100		
Total State Industrial Development Authority	76,100		76,100

80. INDUSTRIAL RELATIONS,
DEPARTMENT OF:

(a) Employment Security Program			36,007,985
(b) Industrial Safety and Accident Prevention Program			4,580,424
(c) Administrative Services Program			8,511,943
(d) Workmen's Compensation Program			581,861

SOURCE OF FUNDS:

(1) State General Fund	1,159,337		
(2) Federal, Local and Miscellaneous Funds		48,522,876	
Total Department of Industrial Relations	1,159,337	48,522,876	49,682,213

81. INSURANCE, DEPARTMENT
OF:

(a) Regulatory Services Program			2,727,123
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SOURCE OF FUNDS:

(1) State General Fund	1,616,670		
(2) Fire Marshal's Fund		136,844	

As provided in Section 24-5-10, Code of Alabama 1975. Any balance in excess of \$50,000 at the end of the fiscal year shall be transferred to the State General Fund.

(3) Examination Revolving Fund		973,609	
Total Department of Insurance	1,616,670	1,110,453	2,727,123

Of the above appropriation, an amount not to exceed \$50,000 is hereby appropriated for advance newspaper publication of rate filings prior to any hearing or other determination by the Commissioner.

82. INSURANCE BOARD, STATE
EMPLOYEES':

(a) Administrative Support Services Program			350,000
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SOURCE OF FUNDS:

(1) State Employees' Insurance Board Expense Fund		350,000	
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Total State Employees' Insurance Board		350,000	350,000
83. INTERIOR DESIGNERS, ALABAMA STATE BOARD OF REGISTRATION FOR:			
(a) Professional and Occupational Licensing and Regulation Program			5,700
SOURCE OF FUNDS:			
(1) Interior Designer Fund		5,700	
As provided in Section 34-15A-7, <u>Code of Alabama 1975</u> .			
Total Alabama State Board of Registration for Interior Designers		5,700	5,700
84. LABOR, DEPARTMENT OF:			
(a) Regulatory Services Program			354,802
SOURCE OF FUNDS:			
(1) State General Fund	304,802		
(2) Federal, Local and Miscellaneous Funds		50,000	
Total Department of Labor	304,802	50,000	354,802
85. LANDSCAPE ARCHITECTS, BOARD OF EXAMINERS FOR:			
(a) Professional and Occupational Licensing and Regulation Program			18,525
SOURCE OF FUNDS:			
(1) Landscape Architects Fund		18,525	
As provided in Section 34-17-6, <u>Code of Alabama 1975</u> .			
Total Board of Examiners of Landscape Architects		18,525	18,525
86. LIEUTENANT GOVERNOR, OFFICE OF THE:			
(a) Legislative Operations and Support Program			440,156
SOURCE OF FUNDS:			
(1) State General Fund	440,156		
Total Office of the Lieutenant Governor	440,156		440,156
87. LIQUEFIED PETROLEUM GAS BOARD:			
(a) Regulatory Services Program			342,000
SOURCE OF FUNDS:			
(1) Liquefied Petroleum Gas Board Fund		342,000	

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Total Liquefied Petroleum Gas Board	342,000	342,000
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88. MANUFACTURED HOUSING COMMISSION, ALABAMA:

(a) Regulatory Services Program		494,921
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SOURCE OF FUNDS:

(1) Alabama Manufactured Housing Commission Fund	494,921	
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As provided in Section 24-6-4, Code of Alabama 1975.

Total Alabama Manufactured Housing Commission	494,921	494,921
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89. MEDICAID AGENCY, ALABAMA:

(a) Medical Assistance Through Medicaid Program		537,286,519
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It is the intent of the Legislature that of the above appropriation, which includes \$22,489,144 for SOBRA, Medicaid eligibility shall be extended to include, to the fullest extent possible, pregnant women and children up to 1 year of age who have incomes at or below 100% of the federal poverty level. It is the further intent of the Legislature that the provisions of the state's SOBRA program will include raising to a minimum of 80% of the physician's reimbursement level the reimbursement for certified midwives for deliveries under Medicaid. Also, it is the intent of the Legislature that the state's SOBRA program provide for physician reimbursement for deliveries at minimum per patient which is above the national Medicaid average adjusted annually for global delivery fee and that such fee be reviewed periodically by the Alabama Medicaid Agency to insure the rate structure provides access for prenatal care. In addition, the Legislature intends that SOBRA provisions include reimbursement to pediatricians who attend a high-risk Medicaid covered delivery. The Legislature intends that SOBRA provisions in the State allow pregnant women, who are determined to be eligible for Medicaid through SOBRA, remain eligible throughout

their pregnancy, that an assets test shall not be required in making a determination of eligibility for such program, and that all providers designated under Public Law 99-509 (SOBRA) may be certifiers of presumptive eligibility for Medicaid which will insure that the eligible State population have access for said services.

The Medicaid Agency will reimburse the Department of Public Health for actual costs (in compliance with OMB Circular A.87) for services provided.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	108,676,779		
(2) State General Fund-Transfer-SOBRA	6,049,572		
(3) Transfer from Department of Human Resources		3,824,175	
(4) Transfer from Mental Health		19,050,250	
(5) Transfer from Commission On Aging		1,770,580	
(6) Federal, Local and Miscellaneous Funds		397,915,163	
Total Alabama Medicaid Agency	114,726,351	422,560,168	537,286,519

90. MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF:

(a) Institutional Treatment and Care-Mental Illness Program	84,547,098
(b) Institutional Treatment and Care-Mental Retardation Program	65,484,013
(c) Institutional Treatment and Care-Criminally Insane Program	5,518,354
(d) Administrative Services Program	4,937,444
(e) Community Services Program	60,527,300
(f) Agency Administration Program ..	675,823

SOURCE OF FUNDS:

(1) State General Fund-Transfer	58,724,627	
(2) Special Mental Health Trust Fund		86,844,000

For Operations and Maintenance of the State Mental Health and Mental Retardation Department and the Mental Health and Mental Retardation Community Programs, including the purchase of drugs for

medically indigent mental patients
not hospitalized at time of receiving
drugs at the Alabama state hospitals.

(3) Transfer from ABC Profits	1,000,000		
(4) Cigarette Tax	6,800,000		
(5) Federal, Local and Miscellaneous Funds	68,321,405		
Total Department of Mental Health and Mental Retardation	58,724,627	162,965,405	221,690,032

There is also hereby conditionally ap-
propriated \$3,000,000 from the Spe-
cial Mental Health Trust Fund which
shall be conditioned on the availa-
bility of funds and approval by the
Governor.

91. MILITARY DEPARTMENT:

(a) Military Operations Program	5,497,307
(b) Capital Outlay	920,000

SOURCE OF FUNDS:

(1) State General Fund-Operations	1,624,647
(2) State General Fund-Quarterly Al- lowances Headquarters	1,500,000

Regular Allowance Units to be used
solely for operating expenses; pro-
vided, that no more than \$4,500 shall
be allotted in any fiscal year for the
Alabama National Guard Headquar-
ters.

(3) State General Fund-Transfer-Cap- ital Outlay for Architect and Engi- neering Services, Specifications, Re- pair and Construction of Facilities ..	920,000
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The above appropriation shall include
funding for the construction of two
armories and for asbestos removal at
the Fort Whiting Armory.

(4) State General Fund-Active Mili- tary Service	37,500
(5) State General Fund-Transfer to Armory Commission	2,326,660
(6) State General Fund-Dropping Allowance	4,500
(7) State General Fund-State Defense Force	4,000

Total Military Department	6,417,307	6,417,307
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92. MILITARY DEPARTMENT-
ARMORY COMMISSION OF
ALABAMA:

(a) Military Operations Program		4,426,425
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SOURCE OF FUNDS:

(1) Transfer from Military Department	2,326,660	
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(2) Federal, Local and Miscellaneous Funds	2,099,765	
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The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of facilities; provided, however, that the last federal government service contract reimbursement shall not revert to the State General Fund, and any unobligated balance remaining thereof in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.

Total Armory Commission of Alabama	4,426,425	4,426,425
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93. MOTOR SPORTS HALL OF
FAME:

(a) Tourism and Travel Promotion Program		68,044
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SOURCE OF FUNDS:

(1) State General Fund	68,044	
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Total Motor Sports Hall of Fame	68,044	68,044
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94. MUSIC HALL OF FAME, ALA-
BAMA:

(a) Fine Arts Program		120,354
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SOURCE OF FUNDS:

(1) State General Fund	120,354	
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Total Alabama Music Hall of Fame	120,354	120,354
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95. NURSING, ALABAMA BOARD
OF:

(a) Professional and Occupational Li- censing and Regulation Program		1,052,160
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SOURCE OF FUNDS:

(1) Alabama Board of Nursing Trust Fund-as provided in Code of Alabama 1975, as amended, Sections 34-21-1 through 34-21-43	1,052,160	
Total Alabama Board of Nursing	1,052,160	1,052,160

96. NURSING HOME ADMINISTRATORS, BOARD OF EXAMINERS OF:

(a) Professional and Occupational Licensing and Regulation Program		48,000
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SOURCE OF FUNDS:

(1) Board of Examiners of Nursing Home Administrators Fund	48,000	
As provided in Section 34-20-7, Code of Alabama 1975.		
Total Board of Examiners of Nursing Home Administrators	48,000	48,000

97. OIL AND GAS BOARD:

(a) Management and Regulation of Oil and Gas Exploration and Development Program		2,305,918
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SOURCE OF FUNDS:

(1) State General Fund	2,195,918	
(2) Oil and Gas Board Special Fund ..	100,000	
(2) Federal, Local and Miscellaneous Funds	10,000	
Total Oil and Gas Board	2,195,918	2,305,918

98. PARDONS AND PAROLES, BOARD OF:

(a) Administration of Pardons and Paroles Program		11,812,792
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SOURCE OF FUNDS:

(1) State General Fund	8,797,072	
(2) Probationers Upkeep Fund	2,878,050	
In accordance with Section 15-22-2, Code of Alabama 1975.		
(3) Miscellaneous Funds	137,670	
Total Board of Pardons and Paroles ...	8,797,072	11,812,792

99. PEACE OFFICERS' ANNUITY AND BENEFIT FUND, ALABAMA:

(a) Retirement Systems Program		266,990
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SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Benefit Fund	266,990	
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As provided in Section 36-21-66, Code of Alabama 1975.

Total Alabama Peace Officers' Annuity and Benefit Fund	266,990	266,990
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100. PERSONNEL DEPARTMENT, STATE:

(a) Administrative Support Services Program		2,893,827
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SOURCE OF FUNDS:

Transfers to the State Personnel Department shall be as follows:

(1) Board of Public Accountancy	287
(2) Department of Aeronautics	479
(3) Commission on Aging	1,915
(4) Department of Agriculture and Industries	44,290
(5) Agricultural Center Board	1,819
(6) Alcoholic Beverage Control Board	88,054
(7) Board of Registration for Architects	144
(8) Archives and History	4,644
(9) State Council on the Arts	1,006
(10) Attorney General's Office	13,646
(11) State Auditor	2,059
(12) State Banking Department	4,980
(13) Building Commission	2,155
(14) Child Abuse and Neglect Prevention Board	192
(15) Chiropractic Examiners	96
(16) Department of Conservation and Natural Resources	100,934
(17) State Licensing Board for General Contractors	527
(18) Department of Corrections	264,688
(19) Board of Cosmetology	862
(20) Credit Union Administration	527
(21) Alabama Crime Victims Compensation Commission	622
(22) Criminal Justice Information Center	6,033
(23) Alabama Development Office	3,208
(24) State Docks	46,541
(25) Department of Economic and Community Affairs	29,878

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(26) Department of Education	128,322
(27) Electrical Contractors Board	48
(28) Emergency Management Agency	3,687
(29) Local Emergency Management ..	5,000
(30) Board of Registration for Profes- sional Engineers and Land Surveyors	431
(31) Department of Environmental Management	22,265
(32) Ethics Commission	575
(33) Examiners of Public Accounts ...	20,110
(34) Farmers' Market Authority	239
(35) Finance Department	45,679
(36) Finance-Alabama Building Authority	2,681
(37) Finance-Alabama Building Fi- nance Authority	1,819
(38) Firefighters' Personnel Standards and Education Commission	383
(39) Foreign Trade Relations Commission	144
(40) Department of Forensic Sciences	10,869
(41) Forestry Commission	39,742
(42) Funeral Services	144
(43) Governor's Office	3,112
(44) Department of Public Health	209,960
(45) State Health Planning Agency ...	1,484
(46) Board of Heating and Air Con- ditioning Contractors	192
(47) Highway Department	359,972
(48) Alabama Historical Commission	5,794
(49) Housing Finance Authority	239
(50) Department of Human Resources	373,953
(51) Alabama Indian Affairs Commission	144
(52) Department of Industrial Relations	162,318
(53) Insurance Department	5,315
(54) Judicial Inquiry Commission	48
(55) Department of Labor	766
(56) Legislative Reference Service	575
(57) Liquefied Petroleum Gas Board	622

(58) Manufactured Housing Commission	383	
(59) Alabama Medicaid Agency	26,861	
(60) Department of Mental Health and Mental Retardation	448,936	
(61) Military Department	17,285	
(62) Board of Nursing	1,580	
(63) Board of Examiners of Nursing Home Administrators	48	
(64) Oil and Gas Board	10,294	
(65) Pardons and Paroles	26,718	
(66) Peace Officers' Annuity and Benefit Fund	239	
(67) Peace Officers' Standards and Training Commission	335	
(68) Physical Fitness Commission	575	
(69) Board of Physical Therapy	48	
(70) Board of Polygraph Examiners ..	96	
(71) Public Library Service	5,698	
(72) Department of Public Safety	118,458	
(73) Public Service Commission	13,119	
(74) Alabama Educational Television Commission	7,757	
(75) Real Estate Commission	1,484	
(76) Retirement Systems	11,396	
(77) Department of Revenue	113,000	
(78) Secretary of State	2,442	
(79) Securities Commission	2,011	
(80) Board of Social Work Examiners	96	
(81) Soil and Water Conservation	335	
(82) Surface Mining Commission	4,788	
(83) Bureau of Tourism and Travel ...	6,799	
(84) State Treasurer	4,070	
(85) Department of Veterans' Affairs	5,937	
(86) Board of Veterinary Medical Examiners	96	
(87) Department of Youth Services ...	36,725	
Total State Personnel Department	2,893,827	2,893,827
101. PHYSICAL THERAPY, BOARD OF:		
(a) Professional and Occupational Licensing and Regulation Program		72,435
SOURCE OF FUNDS:		
(1) Physical Therapist Fund	72,435	

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As provided in Section 34-24-195, Code of Alabama 1975.

Total Board of Physical Therapy	72,435	72,435
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102. PLUMBERS AND GAS FITTERS EXAMINING BOARD, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program		249,480
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SOURCE OF FUNDS:

(1) Board of Plumbers and Gas Fitters Examiners Fund	249,480	
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Total Alabama Plumbers and Gas Fitters Examining Board	249,480	249,480
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103. POLYGRAPH EXAMINERS, BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program		30,000
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SOURCE OF FUNDS:

(1) Board of Polygraph Examiners Fund	30,000	
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As provided in Section 34-25-5, Code of Alabama 1975.

Total Board of Polygraph Examiners	30,000	30,000
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104. PROSECUTION SERVICES, OFFICE OF:

(a) Prosecution, Training, Education and Management Program		1,289,226
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	362,388	
(2) Office of Prosecution Services Fund	926,838	

Total Office of Prosecution Services ...	362,388	926,838	1,289,226
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105. PSYCHOLOGY, ALABAMA BOARD OF EXAMINERS IN:

(a) Professional and Occupational Licensing and Regulation Program		45,430
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SOURCE OF FUNDS:

(1) Board of Examiners in Psychology Fund	45,430	
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As provided in Section 34-26-43, Code of Alabama 1975.

Total Alabama Board of Examiners in Psychology	45,430	45,430
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106. PUBLIC SAFETY, DEPARTMENT OF:

(a) Traffic Control and Accident Prevention Program	21,295,348
(b) Criminal Investigation Program ...	7,282,845
(c) Drivers' Licensing and Improvement Program	9,738,662
(d) Public Safety Support Services Program	5,661,909
(e) Administrative Services Program	3,271,844
(f) Alabama Criminal Justice Training Center Program	1,201,787

SOURCE OF FUNDS:

(1) State General Fund	46,452,395		
(2) Transfer from ABC Profits		2,000,000	
Total Department of Public Safety	46,452,395	2,000,000	48,452,395

107. PUBLIC SERVICE COMMISSION:

(a) Regulatory Services Program	5,449,101
(b) Administrative Services Program	1,934,605

SOURCE OF FUNDS:

(1) Public Service Commission Fund	6,765,706
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Any other provision of the law to the contrary notwithstanding, the appropriation above for the Administrative Services Program shall include a transfer of \$92,471 to the State General Fund.

The above appropriation to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such parts or percentages of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$600,000 shall be transferred to the State General Fund.

(2) Gas Pipeline Safety Fund	386,000
(3) Federal and Miscellaneous Funds	232,000

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Total Public Service Commission	7,383,706	7,383,706
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108. REAL ESTATE COMMISSION, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program		1,129,034
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SOURCE OF FUNDS:

(1) Alabama Real Estate Commission Fund	1,129,034	
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As provided in Section 34-27-4, Code of Alabama 1975 and the total expenditures shall in no manner exceed the amounts hereby appropriated.

Total Alabama Real Estate Commission	1,129,034	1,129,034
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109. REVENUE, DEPARTMENT OF:

(a) State Revenue Administration Program		49,671,147
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	250,000	
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As provided in Section 40-7-70, Code of Alabama 1975, to maintain a program for the equalization of ad valorem tax assessments.

(2) State General Fund-Board of Equalization	124,442	
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(3) Ad Valorem Equalization Fund	220,115	
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(4) Transfers from the gross proceeds of Cigarette Tax Collections	888,224	
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As provided in Section 40-25-27, Code of Alabama 1975.

(5) Transfer from the gross proceeds of Financial Institution Excise Tax Collections	230,198	
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(6) Transfer from the proceeds of the Forest Severance Tax Collections ...	84,784	
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(7) Transfer from the gross proceeds of Gasoline Tax Collections	4,030,552	
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(8) Transfer from the Income Tax Collections	13,678,883	
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(9) Transfer from the gross proceeds of Motor Fuel Tax Collections	840,032	
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(10) Transfer from the gross proceeds of Motor Vehicle License Collections	1,821,412	
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(11) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax	557,337
(12) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax	1,373,134
(13) Transfer from the gross proceeds of Sales Tax Collections	12,067,459
(14) Transfer from the gross proceeds of the Tobacco Tax Collections	36,353
(15) Transfer from the gross proceeds of Use Tax Collections	1,320,637
(16) Transfer from the gross proceeds of the Utility Tax Collections	2,932,060
(17) Local Funds	6,000,442
(18) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags	2,365,083
(19) Inspection fees for restored vehicles	750,000
As provided in Section 32-8-87, <u>Code of Alabama 1975</u> .	

(20) Revenue Administration Fund-Transfer from Abandoned Property Trust Fund as provided in Section 35-12-39, <u>Code of Alabama 1975</u>	100,000
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The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law. Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

Total Department of Revenue	374,442	49,296,705	49,671,147
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110. SECRETARY OF STATE:

(a) Administrative Support Services Program	1,275,627
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SOURCE OF FUNDS:

(1) State General Fund	896,627
(2) UCC and Farm Indexing Fund	379,000

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Total Secretary of State	896,627	379,000	1,275,627
111. SECURITIES COMMISSION:			
(a) Regulatory Services Program			967,228
SOURCE OF FUNDS:			
(1) State General Fund	619,489		
(2) Industrial Revenue Bond Notifi- cation Fund		220,190	
(3) Sale of Checks License Fund		7,781	
(4) Exemption Fund		119,768	
Total Securities Commission	619,489	347,739	967,228
112. SENIOR CITIZENS HALL OF FAME, ALABAMA:			
(a) Historical Resources Management Program			22,681
To be expended in accordance with Section 41-9-740 et seq., <u>Code of Alabama 1975.</u>			
SOURCE OF FUNDS:			
(1) State General Fund	22,681		
Total Alabama Senior Citizens Hall of Fame	22,681		22,681
113. SOCIAL WORK EXAM- INERS, ALABAMA STATE BOARD OF:			
(a) Professional and Occupational Li- censing and Regulation Program			61,888
SOURCE OF FUNDS:			
(1) Alabama State Board of Social Work Examiners Fund		61,888	
As provided in Section 34-30-6, <u>Code of Alabama 1975.</u>			
Total Alabama State Board of Social Work Examiners		61,888	61,888
114. SOIL AND WATER CONSER- VATION COMMITTEE, STATE:			
(a) Water Resource Development Program			1,208,381
(b) Professional and Occupational Li- censing and Regulation Program			4,000
SOURCE OF FUNDS:			
(1) State General Fund	1,178,381		
(2) Soil Classifiers Fund		4,000	
As provided in Section 34-32-19, <u>Code of Alabama 1975.</u>			

(3) Transfer from Agricultural and Conservation Development Commission		30,000	
Total State Soil and Water Conservation Committee	1,178,381	34,000	1,212,381
115. SOUTHERN GROWTH POLICIES BOARD:			
(a) Special Services Program			27,830
SOURCE OF FUNDS:			
(1) State General Fund	27,830		
Total Southern Growth Policies Board	27,830		27,830
116. SPACE SCIENCE EXHIBIT COMMISSION, ALABAMA:			
(a) Tourism and Travel Promotion Program			200,000
SOURCE OF FUNDS:			
(1) State General Fund	200,000		
Total Space Science Exhibit Commission	200,000		200,000
117. SPEECH PATHOLOGY AND AUDIOLOGY, ALABAMA BOARD OF EXAMINERS FOR:			
(a) Professional and Occupational Licensing and Regulation Program			28,270
SOURCE OF FUNDS:			
(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund		28,270	
As provided in Section 34-28A-44, <u>Code of Alabama 1975</u> .			
Total Alabama Board of Examiners for Speech Pathology and Audiology		28,270	28,270
118. SPORTS HALL OF FAME, ALABAMA:			
(a) Historical Resources Management Program			140,000
(b) Capital Outlay			350,000
The above appropriation for capital outlay shall be a one-time appropriation.			
SOURCE OF FUNDS:			
(1) State General Fund	490,000		

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Total Alabama Sports Hall of Fame ...	490,000		490,000
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119. SURFACE MINING COMMISSION, ALABAMA:

(a) Industrial Safety and Accident Prevention Program			5,164,079
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	375,000		
(2) Surface Mining Commission Fund		4,789,079	

As provided by Section 9-16-103, Code of Alabama 1975. All fees and charges, grants, gifts, fines, bond forfeitures or other monies received under the above act, in addition to the appropriation herein made, are appropriated to the Surface Mining Commission.

Total Alabama Surface Mining Commission	375,000	4,789,079	5,164,079
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120. TANNEHILL FURNACE AND FOUNDRY COMMISSION:

(a) Historical Resources Management Program			296,392
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SOURCE OF FUNDS:

(1) State General Fund	296,392		
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Total Tannehill Furnace and Foundry Commission	296,392		296,392
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121. TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY:

(a) Water Resource Development Program			101,000
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SOURCE OF FUNDS:

(1) State General Fund	101,000		
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Total Tennessee-Tombigbee Waterway Development Authority	101,000		101,000
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122. TENNESSEE VALLEY EXHIBIT COMMISSION OF ALABAMA:

(a) Promotional Development Program			372,241
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To be expended in accordance with Sections 41-9-780 et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	70,766		
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(2) Federal, Local and Miscellaneous Funds		301,475	
Total Tennessee Valley Exhibit Commission of Alabama	70,766	301,475	372,241
123. TOURISM AND TRAVEL, BUREAU OF:			
(a) Tourism and Travel Promotion Program			5,301,999
SOURCE OF FUNDS:			
(1) State General Fund-Transfer	1,711,638		
The above appropriation shall include \$300,000 for the Alabama Reunion and \$100,000 for the Overlook Tourist Center.			
(2) Lodgings Tax (\$0.01)		3,590,361	
Receipts collected under the provisions of Section 40-26-1 et seq., <u>Code of Alabama 1975</u> .			
Total Bureau of Tourism and Travel	1,711,638	3,590,361	5,301,999
124. TREASURER, STATE:			
(a) Fiscal Management Program			1,650,680
SOURCE OF FUNDS:			
(1) State General Fund	1,650,680		
Total State Treasurer	1,650,680		1,650,680
125. UNIFORM STATE LAWS, ALABAMA COMMISSION ON:			
(a) Special Services Program, Estimated			6,500
SOURCE OF FUNDS:			
(1) State General Fund	6,500		
As provided in Section 41-9-374, <u>Code of Alabama 1975</u> .			
Total Alabama Commission on Uniform State Laws	6,500		6,500
126. VETERANS' AFFAIRS, DEPARTMENT OF:			
(a) Administration of Veterans' Affairs Program			2,860,397
SOURCE OF FUNDS:			
(1) State General Fund	2,860,397		

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Total Department of Veterans' Affairs	2,860,397	2,860,397
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127. VETERINARY MEDICAL EXAMINERS, ALABAMA STATE BOARD OF:		
(a) Professional and Occupational Licensing and Regulation Program		145,000
SOURCE OF FUNDS:		
(1) State Board of Veterinary Medical Examiners Fund	145,000	
As provided in Section 34-29-23 and Section 34-29-41, <u>Code of Alabama 1975</u> .		
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Total Alabama State Board of Veterinary Medical Examiners	145,000	145,000
<hr/>		
128. WOMEN'S COMMISSION, ALABAMA:		
(a) Employment and Social Opportunities Program		9,980
SOURCE OF FUNDS:		
(1) State General Fund	9,980	
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Total Alabama Women's Commission	9,980	9,980
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129. WOMEN'S HALL OF FAME, ALABAMA:		
(a) Historical Resources Management Program		5,444
SOURCE OF FUNDS:		
(1) State General Fund	5,444	
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Total Alabama Women's Hall of Fame	5,444	5,444
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130. YOUTH SERVICES, DEPARTMENT OF:		
(a) Youth Services Program		617,977
The above appropriation shall be expended in accordance with the provisions of Sections 44-1-1 through 44-1-56, <u>Code of Alabama 1975</u> .		
(b) Juvenile Probation Officers Subsidy		2,586,000
SOURCE OF FUNDS:		
(1) State General Fund-Youth Services Program	617,977	
(2) State General Fund-Juvenile Probation Officers Subsidy	2,586,000	
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Total Department of Youth Services ..	3,203,977	3,203,977
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131. SPECIAL INDUSTRIAL JOB TRAINING:

(a) Industrial Training Program		1,550,000
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This appropriation shall be administered by the Alabama Industrial Development Training Institute (AIDT) to provide training and/or training assistance. Of the above appropriation, \$500,000 shall be used for the Boeing Space Laboratory, Huntsville; \$350,000 shall be used for the Alabama Center for Quality and Productivity; \$100,000 for Partek, Phenix City; \$500,000 shall be used for the U.S. Air Force Standards Systems Center, Montgomery; and \$100,000 shall be used for Uniroyal Goodrich Job Training.

SOURCE OF FUNDS:

(1) State General Fund	1,550,000	
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Total Special Industrial Job Training	1,550,000	1,550,000
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132. MEN'S HALL OF FAME, ALABAMA:

(a) Historical Resources Management Program		5,000
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SOURCE OF FUNDS:

(1) State General Fund	5,000	
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Total Alabama Men's Hall of Fame	5,000	5,000
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2D. OTHER FUNCTIONS OF GOVERNMENT FUNDED FROM THE STATE GENERAL FUND:

1. ADVERTISING LANDS FOR TAX SALE:

(a) State Revenue Administration Program, Estimated		115,000
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SOURCE OF FUNDS:

(1) State General Fund	115,000	
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As provided in Section 40-10-22, Code of Alabama 1975.

Total Advertising Lands for Tax Sale	115,000	115,000
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2. ARREST OF ABSCONDING FELONS:

(a) Criminal Investigation Program, Estimated		65,000
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SOURCE OF FUNDS:

(1) State General Fund	65,000	
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As provided in Section 15-9-3, Code of Alabama 1975.

Total Arrest of Absconding Felons	65,000	65,000
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3. ATTORNEYS' FEES FOR RE-APPORTIONMENT CASES:

(a) Legal Advice and Legal Services Program, Estimated		150,000
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SOURCE OF FUNDS:

(1) State General Fund	150,000	
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Total Attorneys' Fees for Reapportionment Cases	150,000	150,000
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4. AUTOMATIC APPEAL EXPENSE:

(a) Legal Advice and Legal Services Program, Estimated		100
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SOURCE OF FUNDS:

(1) State General Fund	100	
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As provided in Section 12-22-150 and Section 12-22-241, Code of Alabama 1975.

Total Automatic Appeal Expense	100	100
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5. CIVIL COURT COSTS IN CONNECTION WITH AD VALOREM TAX ASSESSMENTS APPEALS:

(a) State Revenue Administration Program, Estimated		200
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SOURCE OF FUNDS:

(1) State General Fund	200	
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As provided in Section 40-7-45, Code of Alabama 1975.

Total Civil Court Costs in Connection with Ad Valorem Tax Assessments Appeals	200	200
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6. CONSUMER UTILITY RATE HEARING:

(a) Executive Direction Program		250,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	250,000	
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As provided in Section 37-1-18 Code of Alabama 1975.

Total Consumer Utility Rate Hearing	250,000	250,000
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7. COURT RELATED COSTS NOT OTHERWISE PROVIDED FOR:

(a) Court-Assessed Cost Provided in Code of Alabama 1975, Sections 22-52-14, 30-4-95, 26-17-17 and Acts 87-574 and 88-538, Estimated	500,000
(b) Legal Advice and Legal Services Program	500,000

It is the intent of the Legislature that the appropriation in this subsection be expended for Court Costs to include costs of depositions, witness fees and expenses, filing and docket fees, court reporters, court judgments, attorneys fees, out-of-court settlements, and other expenses ordered by the court or normally identified as costs of court, when any of the above is approved by the Attorney General.

SOURCE OF FUNDS:

(1) State General Fund, Estimated	500,000
(2) State General Fund	500,000

Total Court Cost Not Otherwise Provided For	1,000,000	1,000,000
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8. COURT COSTS-ACT NO. 558, 1957:

(a) Court Operations Program, Estimated	500
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SOURCE OF FUNDS:

(1) State General Fund	500
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Pursuant to Act No. 558, 1957, page 777.

Total Court Costs-Act No. 558, 1957	500	500
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9. DISTRIBUTION OF PUBLIC DOCUMENTS:

(a) Administrative Support Services Program, Estimated	80,000
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SOURCE OF FUNDS:

(1) State General Fund	80,000
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As provided in Sections 41-21-8, 36-14-1, and 36-14-11, Code of Alabama 1975.

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Total Distribution of Public Documents	80,000	80,000
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10. STATE DOCKS TRANSFER		3,500,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	3,500,000	
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The above appropriation to the State Docks shall be conditional upon the availability of funds and shall remain in the State General Fund until a demonstrated need is determined and recommended by the Finance Director and approved by the Governor.

Total State Docks Transfer	3,500,000	3,500,000
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11. ELECTION EXPENSES:

(a) Special Services Program, Estimated		935,000
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(b) Training of Election Officials, Estimated		65,000
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For payment of expenses pursuant to the court order entered by the U.S. District Court, Middle District of Alabama in Civil Action No. 84-T-595-N.

SOURCE OF FUNDS:

(1) State General Fund	1,000,000	
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As provided in Section 17-4-153, Code of Alabama 1975.

Total Election Expenses	1,000,000	1,000,000
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12. EMERGENCY FUND, DEPARTMENTAL:

(a) Special Services Program		1,500,000
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SOURCE OF FUNDS:

(1) State General Fund	1,500,000	
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This is the appropriation contemplated in Section 41-4-94, Code of Alabama 1975, and shall be the only amount appropriated and the total amount expended under the provisions of said section. This appropriation shall be expended solely for the purpose of addressing a financial emergency within a state department, board, commission, bureau, office, or agency. None of the above appropriation shall be transferred to the Governor's contingency fund.

Total Departmental Emergency Fund	1,500,000	1,500,000
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13. FAIR TRIAL TAX TRANSFER:

(a) Court Operations Program, Estimated		200,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	200,000	
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Total Fair Trial Tax	200,000	200,000
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14. FEEDING OF PRISONERS:

(a) Institutional Services, Corrections Program, Estimated		3,000,000
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SOURCE OF FUNDS:

(1) State General Fund	3,000,000	
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For expenses of feeding prisoners in
county jails in accordance with Sec-
tion 14-6-42, Code of Alabama 1975.

Total Feeding of Prisoners	3,000,000	3,000,000
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15. DEPARTMENT OF FINANCE-
CAPITAL OUTLAY:

(a) Administrative Support Services Program		385,000
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SOURCE OF FUNDS:

(1) State General Fund-Capital Outlay	385,000	
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Total Department of Finance-Capital Outlay	385,000	385,000
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The above appropriation to the De-
partment of Finance-Capital Outlay
for the regrading and reconstruction
of the parking lot located between
the Alabama State House and the
Folsom Administrative Building shall
be conditional upon the availability
of funds in the State General Fund,
recommendation by the Finance Di-
rector and approval of the Governor.

16. DEPARTMENT OF FINANCE-
CAPITOL RENOVATION:

(a) Special Services Program, Estimated		1,990,000
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SOURCE OF FUNDS:

(1) State General Fund-Capital Out- lay, Estimated	1,990,000	
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Total Department of Finance-Capitol Renovation	1,990,000	1,990,000
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17. DEPARTMENT OF FINANCE- EMPLOYEES' SUGGESTION AWARDS PROGRAM:		
(a) Fiscal Management Program		10,000
SOURCE OF FUNDS:		
(1) State General Fund	10,000	
In accordance with Section 36-1-7, <u>Code of Alabama 1975.</u>		
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Total Department of Finance-Employ- ees' Suggestion Awards Program	10,000	10,000
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18. DEPARTMENT OF FINANCE- FEMA:		
(a) Readiness and Recovery Program, Estimated		1,100,000
Payments of the State's share of ad- ministrative costs and matching grants furnished by the Federal Emergency Management Agency.		
SOURCE OF FUNDS:		
(1) State General Fund	1,100,000	
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Total Department of Finance-FEMA	1,100,000	1,100,000
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19. FOREST FIRE FUND, EMER- GENCY:		
(a) Forest Resources Protection and Development Program		180,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	180,000	
As provided by Section 9-3-10.1, <u>Code</u> <u>of Alabama 1975.</u>		
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Total Emergency Forest Fire Fund	180,000	180,000
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20. GOVERNOR'S CONFERENCE, NATIONAL:		
(a) Executive Direction Program		135,760
SOURCE OF FUNDS:		
(1) State General Fund	135,760	
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Total National Governor's Conference	135,760	135,760
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21. GOVERNOR'S COUNCILLOR:		
(a) Executive Direction Program, Estimated		26,000
SOURCE OF FUNDS:		
(1) State General Fund	26,000	

As provided in Section 36-13-13, Code of Alabama 1975.

Total Governor's Councillor	26,000	26,000
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22. GOVERNOR'S PROCLAMATION EXPENSES:

(a) Executive Direction Program, Estimated		200,000
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SOURCE OF FUNDS:

(1) State General Fund	200,000	
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As provided in Section 17-14-21, Code of Alabama 1975.

Total Governor's Proclamation Expenses	200,000	200,000
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23. GOVERNORS' WIDOWS RETIREMENT:

(a) Executive Direction Program, Estimated		28,800
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SOURCE OF FUNDS:

(1) State General Fund	28,800	
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As provided in Section 36-13-12, Code of Alabama 1975.

Total Governors' Widows Retirement	28,800	28,800
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24. INTERPRETER'S ACCOUNT:

(a) Court Operations Program, Estimated		2,500
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SOURCE OF FUNDS:

(1) State General Fund	2,500	
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As provided in Sections 12-21-131 et seq., Code of Alabama 1975.

Total Interpreter's Account	2,500	2,500
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25. LAW ENFORCEMENT FUND:

(a) Criminal Investigation Program ...		2,500
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,500	
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As provided in Section 28-4-312, Code of Alabama 1975.

Total Law Enforcement Fund	2,500	2,500
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26. LAW ENFORCEMENT LEGAL DEFENSE:

(a) Legal Advice and Legal Services Program, Estimated		3,000
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SOURCE OF FUNDS:

(1) State General Fund	3,000	
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To carry out provisions of Section 36-21-1, Code of Alabama 1975.

Total Law Enforcement Legal Defense	3,000	3,000
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27. LIABILITY INSURANCE FUND, STATE		1,000,000
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,000,000	
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As provided in Section 36-1-6.1, Code of Alabama 1975.

Total State Liability Insurance Fund	1,000,000	1,000,000
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Of the above appropriation \$40,000 is hereby appropriated to the Liability Insurance Board for administrative expenses.

28. MAILING TAX NOTICES:

(a) State Revenue Administration Program, Estimated		100
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SOURCE OF FUNDS:

(1) State General Fund	100	
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As provided in Section 40-7-25, Code of Alabama 1975.

Total Mailing Tax Notices	100	100
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29. MILITARY-EMERGENCY ACTIVE DUTY PAY:

(a) Military Operations Program, Estimated		200,000
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SOURCE OF FUNDS:

(1) State General Fund	200,000	
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As provided in Section 31-2-85, Code of Alabama 1975.

Total Military-Emergency Active Duty Pay	200,000	200,000
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30. POLICEMAN'S SURVIVOR TUITION ACT:

(a) Support of Other Educational Activities Program, Estimated		15,000
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SOURCE OF FUNDS:

(1) State General Fund	15,000	
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As provided in Sections 36-21-95 through 36-21-99, Code of Alabama 1975.

Total Policeman's Survivor Tuition Act	15,000	15,000
31. PRESIDENTIAL ELECTORAL EXPENSE:		
(a) Administrative Support Services Program, Estimated		2,000
SOURCE OF FUNDS:		
(1) State General Fund	2,000	
As provided in Section 17-19-8, <u>Code of Alabama 1975</u> .		
Total Presidential Electoral Expense ..	2,000	2,000
32. PRINTING OF CODE SUPPLEMENTS-LEGISLATIVE REFERENCE SERVICE:		
(a) Legislative Operations and Support Program, Estimated		500,000
SOURCE OF FUNDS:		
(1) State General Fund	500,000	
As provided in Section 29-7-6, <u>Code of Alabama 1975</u> .		
Total Printing of Code Supplements-Legislative Reference Service	500,000	500,000
33. PRINTING CODES AND SUPPLEMENTS-SECRETARY OF STATE:		
(a) Administrative Support Services Program, Estimated		165,000
SOURCE OF FUNDS:		
(1) State General Fund	165,000	
As provided in Sections 41-21-1 and 41-21-154, <u>Code of Alabama 1975</u> .		
Total Printing Codes and Supplements-Secretary of State	165,000	165,000
34. PRINTING OF LEGISLATIVE ACTS AND JOURNALS:		
(a) Administrative Support Services Program, Estimated		500,000
SOURCE OF FUNDS:		
(1) State General Fund	500,000	
As provided in Sections 41-4-130 through 41-4-161, <u>Code of Alabama 1975</u> .		

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Total Printing of Legislative Acts and Journals	500,000	500,000
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35. PRINTING OF STATE AND COUNTY PRIVILEGE LICEN-
SES:

(a) State Revenue Administration Program, Estimated		25,000
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SOURCE OF FUNDS:

(1) State General Fund	25,000	
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Total Printing of State and County Privilege Licenses	25,000	25,000
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36. REGISTRATION OF VOTERS:

(a) Special Services Program, Estimated		1,150,000
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(b) Voter Identification Assistance Program		60,000
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SOURCE OF FUNDS:

(1) State General Fund	60,000	
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(2) State General Fund, Estimated	1,150,000	
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In accordance with Sections 17-4-126 and 17-4-153, <u>Code of Alabama 1975</u> .		
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Total Registration of Voters	1,210,000	1,210,000
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37. REMOVAL OF PRISONERS:

(a) Administrative Services and Logistical Support Program, Estimated		300,000
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SOURCE OF FUNDS:

(1) State General Fund	300,000	
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As provided in Sections 15-10-70 through 15-10-73 and 15-9-62, 15-9-65, and 15-9-81, <u>Code of Alabama 1975</u> .		
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Total Removal of Prisoners	300,000	300,000
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38. STATE GENERAL FUND,
ESTIMATED

57,000,000

SOURCE OF FUNDS:

(1) Heritage Trust Income Fund Transfer, Estimated	57,000,000	
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All income other than income realized on sale of Trust Fund assets and not otherwise appropriated herein.		
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Total State General Fund, Estimated	57,000,000	57,000,000
39. STATE TREASURER-PREVIOUS YEAR'S UNPAID WARRANTS:		
(a) Special Services Program, Estimated		200,000
SOURCE OF FUNDS:		
(1) State General Fund	200,000	
As provided in Section 41-4-60, <u>Code of Alabama 1975</u> .		
Total State Treasurer-Previous Year's Unpaid Warrants	200,000	200,000
40. REPAYMENT-ACT 86-645 FUND NO. 305735		7,000,000
Notwithstanding the provisions of Act 87-761 or any other law to the contrary, the above appropriation shall be conditioned on the availability of funds in the State General Fund, the recommendation by the Director of Finance, and upon approval of the Governor.		
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	7,000,000	
Total Repayment-Act 86-645 Fund No. 305735	7,000,000	7,000,000
2E. DEBT SERVICE FUNDED FROM THE STATE GENERAL FUND:		
1. General Obligation Capital Improvement Bonds, Series B, Estimated		1,184,000
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	1,184,000	
Total General Obligation Capital Improvement Bonds, Series B, Estimated	1,184,000	1,184,000
2. General Obligation Coosa Waterway Bonds, Series A and B, Estimated		1,015,270
SOURCE OF FUNDS:		
(1) State General Fund-Transfer	1,015,270	
Total General Obligation Coosa Waterway Bonds, Series A and B, Estimated	1,015,270	1,015,270
3. General Obligation Docks Facilities Bonds, Series A-C, Estimated		4,599,000

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SOURCE OF FUNDS:

(1) State General Fund-Transfer	4,599,000	
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Total General Obligation Docks Facilities Bonds, Series A-C, Estimated	4,599,000	4,599,000
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4. Tennessee-Tombigbee Waterway Bonds, Series A and C-D, Estimated		3,401,367

SOURCE OF FUNDS:

(1) State General Fund-Transfer, Estimated	3,401,367	
<hr/>		
Pursuant to Constitutional Amendment No. 270 as provided in Act No. 248, 1967 Regular Session.		
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Total Tennessee-Tombigbee Waterway Bonds, Series A and C-D, Estimated	3,401,367	3,401,367
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5. Corrections Institution Bonds, Estimated		1,817,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer, Estimated	1,817,000	
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Pursuant to Constitutional Amendment No. 374 as provided for in Act No. 134, 1978 Second Special Session.		
<hr/>		
Total Corrections Institution Bonds, Estimated	1,817,000	1,817,000
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6. General Obligation Capital Bonds, 1982, Series A and B, and General Obligation Refunding Bonds, 1983, Series A and B, Estimated		66,665,897

SOURCE OF FUNDS:

(1) State General Fund-Transfer	66,665,897	
<hr/>		
Total General Obligation Capital Bonds, 1982, Series A and B, and General Obligation Refunding Bonds, 1983, Series A and B, Estimated	66,665,897	66,665,897
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2F. CONDITIONAL APPROPRIATIONS:

In addition to the appropriations heretofore made, there is hereby appropriated to the following agencies from the State General Fund the following amounts to be conditioned on the availability of funds in the State

General Fund and upon the recommendation of the Finance Director and approval of the Governor:	
1. Adjustment, Board of	100,000
2. Alabama Trust Fund Board	200,000
3. Auditor's Office	39,591
4. Building Commission	33,453
5. Cahaba Advisory Committee	382
6. Conservation and Natural Resources	992,813
7. Corrections, Department of	3,313,452
\$1,100,000 shall be used for expanded facilities at Bullock County.	
8. Alabama Development Office	1,305,611
9. District Attorneys	102,571
10. Economic and Community Affairs	4,340,000
11. Education, Department of	69,380
12. Elk River Development Agency ..	171
13. Emergency Management Agency ..	155,789
14. Environmental Management, Department of	324,365
15. Ethics Commission	16,834
16. Examiners of Public Accounts	560,665
17. Farm Crisis and Transition Center	72,900
18. Farmer's Market Authority	532
19. Finance, Department of	675,139
20. Finance-Air Transportation	98,301
21. Finance-Telephone Revolving Fund	188,895
22. Forensic Sciences	283,058
23. Geological Survey	15,037
24. Gorgas Memorial Board	3,210
25. Governor's Mansion	7,445
26. Governor's Mansion Advisory Board-Capital Outlay	250,363
27. Governor's Office	148,752
28. Department of Public Health	1,800,000
For the reduction in cigarette tax revenue due to the issuance of Mental Health Bonds.	
29. Industrial Relations, Department of	195,315
30. Insurance, Department of	362,653

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31. Labor, Department of	21,123
32. Law Institute, Alabama	42,333
33. Legislative Fiscal Office	92,462
34. Legislative Reference Service	59,008
35. Mental Health, Department of	4,200,000
For the reduction in cigarette tax revenue due to the issuance of Mental Health Bonds.	
36. Motor Sports Hall of Fame	20,766
37. Oil and Gas Board	4,860
38. Public Safety	5,167,308
\$2,500,000 shall be used for Automated Fingerprint Identification System.	
39. Secretary of State	118,282
40. Soil and Water Conservation	495
41. Southern Growth Policies Board	1,113
42. Treasurer	2,982
43. TVA Exhibit Commission	250,000
44. Veterans' Affairs	5,126
45. Women's Commission, Alabama ..	399
46. Youth Services	236,931
47. Advertising Lands for Tax	55,000
48. Election Expenses	1,500,000
49. Departmental Emergency Fund ...	500,000
50. Fair Trial Tax Transfer	500,000
51. Feeding of Prisoners	1,000,000
52. Department of Finance-Capitol Renovation	9,385,000
53. Department of Finance-FEMA	200,000
54. Governor's Proclamation Expense	50,000
55. Military Emergency Active Duty Pay	100,000
56. Policeman's Survivor Tuition Act	15,000
57. Registration of Voters	660,000
58. State Treasurer-Previous Year's Unpaid Warrants	75,000
59. Alabama Industrial Development Training-U.S. Air Force Standards Systems Center, Montgomery	1,500,000

SECTION 3. That, except as may be herein otherwise provided, amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in

no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Sections 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Sections 41-4-80 et seq., Code of Alabama 1975, and the Budget Management Act of 1976, Sections 41-19-1 et seq., Code of Alabama 1975.

SECTION 4. That any surplus remaining in any appropriation herein made from the State General Fund to any office, department, bureau, board, commission or agency may be transferred, on order of the Governor, to any other appropriation herein made from the State General Fund when such appropriation to any office, department, bureau, board, commission, or agency is insufficient to pay salaries in that office, department, bureau, board, commission or agency.

SECTION 5. In addition to appropriations herein made, all gifts, grants, contributions, or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Notwithstanding any laws to the contrary, any receipts during fiscal year 1988-89 which exceed an amount of up to 1% of such fiscal year state revenue receipts or up to \$100,000, whichever is greater, to any state fund or from any state revenue source that exceed the amount appropriated by this Act to any state fund, department, agency, division, board, bureau, commission, institution, or office with the exception of revenue to the Real Estate Commission; the Board of Cosmetology; the Department of Finance-Data Systems Management; Telephone Revolving Fund; Alabama Building Finance Authority; Capitol Complex Maintenance and Repair; Alabama Building Authority; Central Mail and Supply; Motor Pool; and Printing and Publications; Alabama Manufactured Housing Commission; and funds constitutionally earmarked for construction and maintenance of public roads and bridges shall be transferred to the State General Fund within thirty (30) days after September 30, 1989. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 6. All interest earned from funds paid into Account No. 305735 by Act 87-761 and this act are hereby appropriated to the Governor's Contingency Fund to be spent at the discretion of the Governor. Any other interest earned by the state from the Revenue Sharing Investments under the State and Local Fiscal Assistance Act of 1972, as amended, Public Law 92-512, 92nd Congress, together with any accruals or reversions thereon are hereby appropriated to the State General Fund.

SECTION 7. All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized in Section 41-4-93, Code of Alabama 1975, shall lapse on September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the State General Fund or the trust fund from which the appropriation or appropriations were made.

SECTION 8. The appropriations made herein to the departments, boards, offices, commissions, and agencies include the amount necessary and said departments, boards, offices, commissions, and agencies are hereby directed to make the transfer of funds to the State Personnel Department in the amounts enumerated in Section 2C, subsection 100.

SECTION 9. That, if any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 10. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

SECTION 11. That each Department of the State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

SECTION 12. That this Act shall become effective October 1, 1988.

Amend House Bill 9 as may be substituted and/or amended on Page 67 by deleting lines 9 through 21 in their entirety and inserting in lieu thereof the following:

108. REAL ESTATE COMMISSION, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program	1,129,034
(b) Capital Outlay	400,000

SOURCE OF FUNDS:

(1) Alabama Real Estate Commission Fund	1,529,034
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As provided in Section 34-27-4, Code of Alabama 1975 and the total expenditures shall in no manner exceed the amounts hereby appropriated.

Total Alabama Real Estate Commission	1,529,034	1,529,034
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To amend the substitute to H. B. 9 on page 74, line 31 by adding after the word "Reunion" the following:

" , \$50,000 for the Cahaba Trace Commission"

Amend H. B. 9 as substituted on page 78, lines 9, 11, and 15 by deleting the figure "115,000" and inserting in lieu thereof the figure "90,000".

Amend House Bill No. 9 Page 40 Line 31, by inserting Public Health Department after the word "of"

Amend H. B. 9 as substituted on page 39, line 24 by deleting the figure "4,020,000" and inserting in lieu thereof the figure "5,000,000".

Amend H. B. 9 as substituted on page 52 by deleting lines 20-29 in their entirety.

Amend House Bill No. 9 Page 8 Line 25, by striking out "existing" after the word "the"

And further amend on Page 9 line 6 by striking out the word "existing".

Amend H. B. 9 as substituted on page 70 lines 25 and 32 by deleting the figure "967,228" and inserting in lieu thereof the figure "817,228"

Further amend on page 70 lines 27 and 32 by deleting the figure "619,489" and inserting in lieu thereof the figure "469,489"

Amend H. B. 9 as substituted on page 18 line 17 by deleting the figure "25,761,700" and inserting in lieu thereof the figure "25,161,700".

Further amend on page 19 line 8 by deleting the figure "2,561,700" and inserting in lieu thereof the figure "1,961,700".

Further amend on page 20 by line 17 by deleting the figures "2,561,700" and "48,587,545" and inserting in lieu thereof the figures "1,961,700" and "47,987,545" respectively.

Further amend the bill on page 45 after line 30 by adding the following:

"(c) Historical Preservation Projects 600,000"

Further amend the bill on page 46 after line 21 by adding the following and renumbering the succeeding section:

"(3) State General Fund-Transfer-
Historical Preservation Projects 600,000"

Further amend the bill on page 46 line 25 by deleting the figures "1,185,063" and "2,010,715" and inserting in lieu thereof the figures "1,785,063" and "2,610,715".

Further amend H. B. 9 as substituted on page 47 by deleting lines 5-9 in their entirety.

Yeas 103; Nays 0.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Bowling, Box, Breedlove, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Coburn, Cosby, Crow, Curry, Davis, Dillard, Drake, Escott, Faulk, Flowers, Ford, Frazier, Freeman, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Haynes, Headley, Hettinger, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RG), Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Seibels, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 19. To make an appropriation for the support and maintenance of the Cleveland Avenue YMCA for the fiscal year ending September 30, 1989,

and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 24. To make an appropriation from the State General Fund to the Wallace Industrial Air Park for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 26. NAMING THE BRIDGE OVER THE LOCUST FORK OF THE BLACK WARRIOR RIVER IN JEFFERSON COUNTY, THE "RAY MOORE BRIDGE."

Also:

S. J. R. 43. CONGRATULATING DR. D. L. "DAN" IRELAND, PRESIDENT OF THE AMERICAN COUNCIL ON ALCOHOL PROBLEMS.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 16. To make an appropriation from the State General Fund to the Mallard Fox Creek Port and Industrial Park for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 30. To make an appropriation of \$30,000 from the State General Fund to Helen Keller Property Board for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 20. To make an appropriation of \$50,000 from the State General Fund to Desoto Commission for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 31. To make an appropriation of \$50,000 from the State General Fund to W.C. Handy Property Board for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 17. To make an appropriation of \$100,000 from the State General Fund to America's Junior Miss Pageant, Inc. for the fiscal year ending September 30, 1989.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Harper, the House concurred in and adopted the Senate amendment to the bill, H. 17, said Senate amendment being as follows:

Amend H. B. 17 on page 1, lines 9 and 16 after the word "Inc." by inserting the following language:

"and \$25,000 from the State General Fund to Alabama's Junior Miss Pageant".

Further amend on page 1 after line 22 by adding the following Section 2 and renumbering all subsequent sections accordingly:

Section 2. There is hereby appropriated to Alabama's Junior Miss Pageant from the State General Fund the amount of twenty-five thousand dollars (\$25,000) for the fiscal year ending September 30, 1989."

Yeas 93; Nays 2.

Yeas:

Mr. Speaker, Adams, Beers, Biddle, Black, Blake, Blakeney, Bowling, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (JE), Buskey (JL), Butler, Campbell, Carothers, Carter, Clark (W), Cosby, Crow, Curry, Davis, Dillard, Escott,

Faulk, Ford, Frazier, Freeman, Fuller, Gaston, Gray, Grayson, Grouby, Hall, Hamilton, Hammett, Harper, Harvey, Headley, Higginbotham, Hill, Hogan, Holley, Holmes, Hooper, Johnson (RW), Junkins, Kennedy, Knight, Kvalheim, Laird, Layson, Lindsey, Logan, Marietta, Marks, Mathis, McClain, McDowell, McKee, McMillan, Melton, Mikell, Moon, Newman, Newton, Parker, Payne, Penry, Perdue, Petelos, Poole, Rains, Richardson, Rogers, Slaughter, Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White (F), White (G), White (L), Williams, Willis, Wright and Zoghby.

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Nays: Reps. Haynes and Johnson (RG).

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REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifth legislative day and finds the same to be correct.

TOMMY CARTER,
Chairman.

On motion of Rep. Carter, the reading at length of the Journal of the House for the fifth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fifth legislative day was approved.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Rogers:

H. R. 41. COMMENDING FRANK M. JOHNSON FOR OUTSTANDING ACHIEVEMENT AND SERVICE TO THE BIRMINGHAM PARKS AND RECREATION BOARD.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 21. To make an appropriation of \$200,000 from the State General Fund to Fort Gaines for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 18. To make an appropriation of \$20,000 from the State General Fund to Brierfield Ironworks for the fiscal year ending September 30, 1989,

and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 23. To make an appropriation from the State General Fund in the amount of \$50,000 to the Alabama Mining Museum in Dora, Alabama for the fiscal year ending September 30, 1989 and to require an operations plan and audited financial statement prior to release of any funds.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 16. To make an appropriation from the State General Fund to the Mallard Fox Creek Port and Industrial Park for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 30. To make an appropriation of \$30,000 from the State General Fund to Helen Keller Property Board for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 45. To delete or restrict certain deductions from gross income for Alabama Income Tax purposes.

Also:

H. 19. To make an appropriation for the support and maintenance of the Cleveland Avenue YMCA for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 24. To make an appropriation from the State General Fund to the Wallace Industrial Air Park for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 17. To make an appropriation of \$100,000 from the State General Fund to America's Junior Miss Pageant, Inc. and \$25,000 from the State General Fund to Alabama's Junior Miss Pageant for the fiscal year ending September 30, 1989.

Also:

H. 21. To make an appropriation of \$200,000 from the State General Fund to Fort Gaines for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 20. To make an appropriation of \$50,000 from the State General Fund to Desoto Commission for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 31. To make an appropriation of \$50,000 from the State General Fund to W.C. Handy Property Board for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 9. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1989.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length

having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Drinkard:

S. J. R. 46. SINE DIE ADJOURNMENT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Friday, September 30, they adjourn sine die.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Campbell, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 46, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 25. To make an appropriation of \$75,000 from the State General Fund to Alabama Travel Council for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 26. To make an appropriation of \$50,000 from the State General Fund to the Southern Museum of Flight for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 27. To make an appropriation of \$30,000 from the State General Fund to the Pea River Historical Society for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 28. To make an appropriation of \$50,000 from the State General Fund to the Mountain Lakes Tourist Association for the fiscal year ending September 30, 1989.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 25. To make an appropriation of \$75,000 from the State General Fund to Alabama Travel Council for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

Also:

H. 26. To make an appropriation of \$50,000 from the State General Fund to the Southern Museum of Flight for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILLS

The Speaker Pro Tem of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 27. To make an appropriation of \$30,000 from the State General Fund to the Pea River Historical Society for the fiscal year ending September 30, 1989, and to require an operations plan and audited financial statement prior to release of any funds.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker Pro Tem:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 28. To make an appropriation of \$50,000 from the State General Fund to the Mountain Lakes Tourist Association for the fiscal year ending September 30, 1989.

And finds same correctly enrolled.

TOMMY CARTER,
Chairman.

SIGNING OF BILL

The Speaker Pro Tem of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S. J. R. 46. SINE DIE ADJOURNMENT.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the above and foregoing Message from the Senate.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:25 P.M. on September 30, 1988.

H. J. R. 5

H. J. R. 13

H. J. R. 7

H. J. R. 19

H. J. R. 11

H. J. R. 22

H. J. R. 12

H. J. R. 27

Delivered to the Governor at 4:35 P.M. on September 30, 1988.

H. J. R. 20

H. J. R. 31

H. 44

H. 8

Delivered to the Governor at 8:55 P.M. on September 30, 1988.

H. 5

H. J. R. 30

H. 14

H. 10

H. 15

H. 38

H. 40

H. 39

Delivered to the Governor at 11:50 P.M. on September 30, 1988.

H. 18

H. 24

H. 23

H. 17

H. 16

H. 21

H. 30

H. 20

H. 45

H. 31

H. 19

Delivered to the Governor at 11:59 P.M. on September 30, 1988.

H. 9

H. 27

H. 25

H. 28

H. 26

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Newton and pursuant to the resolution, S. J. R. 46, heretofore adopted, the House adjourned sine die at 11:59 o'clock p.m.

JOHN W. PEMBERTON,
Clerk of the House of Representatives
of the Legislature of Alabama,
Second Extraordinary Session, 1988.

HOUSE OF REPRESENTATIVES
SECOND EXTRAORDINARY SESSION 1988
ALPHABETICAL ROSTER AND DISTRICT NUMBER

Charles Adams, 83	Jimmy W. Holley, 91
John P. Beasley, 85	Alvin Holmes, 78
Greg Beers, 48	Perry O. Hooper, Jr., 73
Jack Biddle, III, 43	Ronald G. Johnson, 33
Lucius Black, Sr., 67	Roy W. Johnson, Jr., 63
A. J. Blake, 42	Bobby M. Junkins, 30
Harrell Blakeney, 66	Yvonne Kennedy, 103
W. C. ("Bill") Bowling, 12	Al Knight, 40
Michael E. Box, 96	Ken Kvalheim, 101
Michael M. Breedlove, 65	Richard Laird, 37
Charlie Britnell, 18	Allen Layson, 15
Morris J. ("Mo") Brooks, Jr., 10	Richard J. Lindsey, 39
Jenkins Bryant, Jr., 68	Steve J. Logan, 17
June Bugg, 29	E. B. McClain, 57
Ralph Burke, 24	Bobbie G. McDowell, 56
James Buskey, 99	Bob McKee, 74
John Buskey, 77	Stephen A. McMillan, 95
Tom Butler, 6	Beth Marietta, 104
James M. Campbell, 36	Herman H. Marks, 8
Joe R. Carothers, Jr., 86	Nathan Mathis, 87
Tommy Carter, 5	Bryant Melton, 61
James S. Clark, 84	Mike Mikell, 76
William Clark, 98	Gordon R. Moon, 25
Tom Coburn, 2	Max Newman, 16
W. F. ("Noopie") Cosby, Jr., 70	Demetrius C. Newton, 53
Bobby C. Crow, 35	Paul Parker, 9
Johnny L. Curry, 50	Arthur Payne, 44
Patricia Davis, 58	Walter E. Penry, Jr., 94
Ernest Dillard, 7	George Perdue, 54
Tom Drake, 11	Tony Petelos, 49
Sundra E. Escott, 60	Phil Poole, 62
Dwight Faulk, 90	T. Euclid Rains, Sr., 26
Steve Flowers, 89	Thomas Reed, 82
Joe M. Ford, 28	Ben T. Richardson, 23
Ed Frazier, 14	John W. Rogers, Jr., 52
Dewayne Freeman, 21	George G. Seibels, Jr., 47
Bill Fuller, 38	William M. Slaughter, 46
Victor Gaston, 100	Lewis G. Spratt, 59
J. W. ("Joe") Goodwin, 3	Nelson R. Starkey, Jr., 1
Billy Gray, 45	James L. Thomas, 69
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James Harold Hamilton, 4	Claud Walker, 75
Seth Hammett, 92	James E. ("Jimmy") Warren, 64
Taylor F. Harper, 105	Frank P. ("Skippy") White, 93
Bob Harvey, 27	Gary White, 55
Clarence E. Haynes, 32	Lester White, 81
Lewis W. Headley, 72	R. Nolan Williams, 88
Steve Hettinger, 20	Gerald Willis, 34
G. J. Higginbotham, 80	Jim Wright, 51
Michael E. Hill, 41	Mary S. Zoghby, 97
Thomas E. Hogan, 13	

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA

SECOND EXTRAORDINARY SESSION 1988

OFFICERS

JAMES S. CLARK, *Speaker*, Eufaula

JAMES M. CAMPBELL

Speaker Pro-Tem, Anniston

JOHN W. PEMBERTON, *Clerk*, Montgomery

GREG PAPPAS, *Assistant Clerk*, Montgomery

VANNAH W. NORRELL, *Chief Clerk*, Montgomery

MEMBERS OF THE HOUSE

Dist. No.	Counties	Name	Address
1	LAUDERDALE	Nelson R. Starkey, Jr.	301 N. Pine St., Florence 35630
2	COLBERT	Tom Coburn	1107 East 3rd St., Tuscumbia 35674
3	COLBERT, LAUDERDALE	J. W. (Joe) Goodwin	310 Ford Road, Muscle Shoals 35661
4	LAUDERDALE, LIMESTONE	James Harold Hamilton	301 N. Pine St., Florence 35630
5	LIMESTONE	Tommy Carter	Route 2, Box 82, Elkmont 35620
6	MADISON	Tom Butler	1803 Forney Drive, Huntsville 35816
7	LAWRENCE, MORGAN	Ernest Dillard	Route 1, Box 216, Courtland 35618
8	MORGAN	Herman H. Marks	1704 Sandra St., SW, Decatur 35601
9	MORGAN	Paul Parker	303 North Douglas St., Hartselle 35640
10	MADISON	Morris J. (Mo) Brooks, Jr.	9009 Randall Road, Huntsville 35802
11	CULLMAN, MORGAN	Tom Drake	P. O. Box 1165, Cullman 35055

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued**

- 12 CULLMAN
W. C. (Bill) Bowling Route 2, Box 349, Hanceville 35077
- 13 WALKER
Thomas E. Hogan 300 12th Avenue, NE, Jasper 35501
- 14 TUSCALOOSA, WALKER
Ed Frazier N. 88, Hwy. 195, Jasper 35501
- 15 PICKENS, TUSCALOOSA
Allen Layson P. O. Box 910, Reform 35481
- 16 FAYETTE, LAMAR, MARION
Max Newman P. O. Box 428, Millport 35576
- 17 MARION, WINSTON
Steve J. Logan P. O. Box 576, Hamilton 35570
- 18 FRANKLIN, MARION
Charlie Britnell Route 2, Box 376, Russellville 35653
- 19 MADISON
George W. Grayson P. O. Box 38, Normal 35762
- 20 MADISON
Steve Hettinger 2207 Toll Gate, Huntsville 35801
- 21 MADISON
Dewayne Freeman 114 East Becky Circle, Huntsville 35810
- 22 JACKSON, MADISON
Albert Hall P. O. Box 275, Gurley 35748
- 23 JACKSON
Ben T. Richardson P. O. Box 1017, Scottsboro 35768
- 24 DEKALB
Ralph Burke P. O. Box 876, Fort Payne 35967
- 25 MARSHALL
Gordon R. Moon P. O. Box 265, Guntersville 35976
- 26 DEKALB, MARSHALL
T. Euclid Rains, Sr. Rt. 1, Box 326, Albertville 35950
- 27 BLOUNT
Bob Harvey Route 4, Box 2215, Oneonta 35121
- 28 ETOWAH
Joe M. Ford Gadsden State Community College
1001 George Wallace Dr., Gadsden 35999
- 29 ETOWAH
June Bugg 610 South 5th St., Gadsden 35901
- 30 ETOWAH, ST. CLAIR
Bobby M. Junkins 254 College St., Gadsden 35999
- 31 COOSA, ELMORE
Jack B. Venable P. O. Box 736, Tallassee 36078

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

- 32 TALLADEGA
Clarence E. Haynes P. O. Box 1041, Talladega 35160
- 33 TALLADEGA
Ronald G. Johnson Route 5, Box 17, Sylacauga 35150
- 34 CALHOUN
Gerald Willis Route 2, Box 286, Piedmont 36272
- 35 CALHOUN
Bobby C. Crow Route 10, Box 842, Anniston 36201
- 36 CALHOUN
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- 37 CHAMBERS, RANDOLPH, CLAY
Richard Laird 1507 Bonner, Roanoke 36274
- 38 CHAMBERS
Bill Fuller 118 South LaFayette St., LaFayette 36862
- 39 CHEROKEE, CLEBURNE, DEKALB
Richard J. Lindsey Route 2, Box 394, Centre 35960
- 40 BIBB, SHELBY
Al Knight 2421 Brook Run, Birmingham 35244
- 41 SHELBY
Michael E. Hill 301 Pitts Drive, Columbiana 35051
- 42 ST. CLAIR
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- 43 JEFFERSON
Jack Biddle, III 2256 Pinehurst Dr., Gardendale 35071
- 44 JEFFERSON
Arthur Payne 2825 2nd Street, N.W., Birmingham 35215
- 45 JEFFERSON
Billy Gray 9229 Todd Dr., Suite 105, Birmingham 35206
- 46 JEFFERSON
William M. Slaughter 800 1st Nat'l Southern Natural Bldg.
Birmingham 35203
- 47 JEFFERSON
George G. Seibels, Jr. 4016 10th Avenue South
Birmingham 35222
- 48 JEFFERSON
Greg Beers 1504 Verdure Circle, Birmingham 35226
- 49 JEFFERSON
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- 50 JEFFERSON
Johnny L. Curry 3264 Fieldale Dr., Hueytown 35023
- 51 JEFFERSON
Jim Wright P. O. Box 279, Adamsville 35005

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued**

- 52 JEFFERSON
John W. Rogers, Jr. 1424 18th St., S.W., Birmingham 35211
- 53 JEFFERSON
Demetrius C. Newton P. O. Box 2525, Birmingham 35202
- 54 JEFFERSON
George Perdue P. O. Box 2473, Birmingham 35201
- 55 JEFFERSON
Gary White 414 Yorkshire Dr., Homewood 35209
- 56 JEFFERSON
Bobbie G. McDowell 2322 Dartmouth Ave., Bessemer 35020
- 57 JEFFERSON
E. B. McClain 3826 Troy Terrace, Brighton 35020
- 58 JEFFERSON
Patricia Davis 9312 Sears Drive, Birmingham 35206
- 59 JEFFERSON
Lewis G. Spratt 3809 4th St. W., Birmingham 35207
- 60 JEFFERSON
Sundra E. Escott P. O. Box 8343, Birmingham 35218
- 61 TUSCALOOSA
Bryant Melton 4129 20th Street, Tuscaloosa 35401
- 62 TUSCALOOSA
Phil Poole P. O. Box 609, Moundville 35474
- 63 TUSCALOOSA
Roy W. Johnson, Jr. 4501 20th St., N.E., Tuscaloosa 35404
- 64 CONECUH, MONROE
James E. (Jimmy) Warren P. O. Box 207, Castleberry 36432
- 65 CLARKE, WASHINGTON
Michael M. Breedlove 119 Dogwood Dr., Jackson 36545
- 66 CHOCTAW, CLARKE, MARENGO
Harrell Blakeney 1101 Old Hwy. 5, So., Thomasville 36784
- 67 CHOCTAW, GREENE, SUMTER
Lucius Black, Sr. P. O. Box 284, York 36925
- 68 DALLAS, PERRY, HALE
Jenkins Bryant, Jr. Route 1, Box 482, Newbern 36765
- 69 DALLAS, LOWNDES, WILCOX
James L. Thomas 2713 Hwy. 14 E., Selma 36701
- 70 DALLAS
W. F. (Noopie) Cosby, Jr. P. O. Box 683, Selma 36702

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

- 71 AUTAUGA, CHILTON
E. A. Grouby, Jr. P. O. Box 188, Prattville 36067
- 72 BIBB, CHILTON
Lewis W. Headley P. O. Box 1610, Clanton 35045
- 73 MONTGOMERY
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- 74 MONTGOMERY
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- 75 MONTGOMERY
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- 76 ELMORE, MONTGOMERY
Mike Mikell 3920 Chapman Rd., Millbrook 36054
- 77 MONTGOMERY
John Buskey P. O. Box 6216, Montgomery 36106
- 78 MONTGOMERY
Alvin Holmes P. O. Box 6064, Montgomery 36106
- 79 LEE
Pete Turnham Box 1592, Auburn 36830
- 80 LEE
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- 81 TALLAPOOSA
Lester White 739 Freeman St., Dadeville 36853
- 82 BULLOCK, MACON
Thomas Reed P. O. Drawer EE, Tuskegee Institute 36088
- 83 RUSSELL
Charles Adams P. O. Box 967, Phenix City 36867
- 84 BARBOUR, RUSSELL
James S. Clark P. O. Box 71, Eufaula 36027
- 85 HENRY, HOUSTON
John P. Beasley P. O. Drawer M, Columbia 36319
- 86 HOUSTON
Joe R. Carothers, Jr. Route 8, Box 33, Dothan 36301
- 87 GENEVA, HOUSTON
Nathan Mathis Route 1, Newton 36352
- 88 DALE
R. Nolan Williams Troy State University at Dothan
P. O. Box 6947, Dothan 36302
- 89 PIKE, DALE
Steve Flowers P. O. Box 973, Troy 36081
- 90 BUTLER, CRENSHAW
Dwight Faulk Route 2, Box 90, Honoraville 36042

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued**

- 91 **COFFEE**
Jimmy W. Holley Route 2, Box 254E, Elba 36323
- 92 **COVINGTON**
Seth Hammett P. O. Box 1607, Andalusia 36420
- 93 **ESCAMBIA**
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Flomaton 36441
- 94 **BALDWIN**
Walter E. Penry, Jr. Rt. 2, Box 286, Daphne 36526
- 95 **BALDWIN**
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- 96 **MOBILE**
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- 97 **MOBILE**
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- 98 **MOBILE**
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- 99 **MOBILE**
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- 100 **MOBILE**
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- 101 **MOBILE**
Ken Kvalheim 421 Dogwood Dr., Mobile 36609
- 102 **MOBILE**
J. E. Turner P. O. Box 777, Citronelle 36522
- 103 **MOBILE**
Yvonne Kennedy 1205 Glennon Avenue, Mobile 36603
- 104 **MOBILE**
Beth Marietta 557 Church Street, Mobile 36602
- 105 **MOBILE**
Taylor F. Harper P. O. Box 229, Grand Bay 36541

ROSTER OF THE SENATE OF ALABAMA

1988

Jim Folsom, Jr., <i>Lieutenant Governor</i>	Alabama State House, Montgomery
Ryan deGraffenried, <i>President Pro-Tem</i>	Tuscaloosa
McDowell Lee, <i>Secretary</i>	Montgomery
John D. Crawford, <i>Assistant Secretary</i>	Montgomery
Mrs. William R. Lawley, Jr., <i>Chief Clerk</i>	Montgomery
District No. 1—Lauderdale, Colbert	
Bobby Denton	P. O. Box 987, Tuscumbia 35674
District No. 2—Madison, Limestone, Lauderdale	
Jim Smith	108-A South Side Square, Huntsville 35801
District No. 3—Lawrence, Morgan	
Ray Campbell	Rt. 4, Box 43, Town Creek 35672
District No. 4—Cullman, Morgan, Madison	
Don Hale	409 6th St., S.W., Cullman 35055
District No. 5—Pickens, Tuscaloosa, Walker	
Charles Bishop	P. O. Box 2328, Jasper 35501
District No. 6—Franklin, Marion, Winston, Lamar, Fayette	
Roger H. Bedford	P. O. Box 669, Russellville 35653
District No. 7—Madison	
Bill G. Smith	2009 Gallatin St., S.W., Huntsville 35801
District No. 8—Madison, Jackson, DeKalb	
Lowell R. Barron	P. O. Box 65, Fyffe 35971
District No. 9—Marshall, Blount, DeKalb	
Hinton Mitchem	P. O. Box 297, Albertville 35950
District No. 10—Etowah	
Bill Drinkard	Holy Name of Jesus Medical Center Moragne Park, Gadsden 35902
District No. 11—Elmore, Talladega, Coosa	
Jim Preuitt	P. O. Box 1063, Talladega 35160
District No. 12—Calhoun	
Donald G. Holmes	P. O. Box 3383, Oxford 36203
District No. 13—Chambers, Clay, Randolph, Cleburne, Cherokee, DeKalb	
Gerald Dial	P. O. Box 248, Lineville 36266
District No. 14—St. Clair, Shelby, Bibb	
Frank (Butch) Ellis, Jr.	P. O. Box 587, Columbiana 35051

ROSTER OF THE SENATE OF ALABAMA—Continued

District No. 15—Jefferson	
John E. Amari	9636 Parkway East, Birmingham 35215
District No. 16—Jefferson	
William J. Cabaniss, Jr.	P. O. Box 19925, Birmingham 35219
District No. 17—Jefferson	
Mac Parsons	2027 2nd Ave., N., Birmingham 35203
District No. 18—Jefferson	
Fred Horn	900 4th St., N., Birmingham 35204
District No. 19—Jefferson	
Jim Bennett	Suite 100, 130 Building 130 Vulcan Road, Birmingham 35207
District No. 20—Jefferson	
Earl F. Hilliard	P. O. Box 11385, Birmingham 35202
District No. 21—Hale, Tuscaloosa	
Ryan deGraffenried, Jr.	P. O. Box 2263, Tuscaloosa 35403
District No. 22—Marengo, Clarke, Choctaw, Washington, Monroe, Conecuh	
Rick Manley	P. O. Drawer U, Demopolis 36732
District No. 23—Choctaw, Sumter, Greene, Perry, Dallas, Wilcox, Lowndes	
Henry (Hank) Sanders	P. O. Box 1305, Selma 36702
District No. 24—Dallas, Autauga, Chilton, Bibb	
Earl Goodwin	P. O. Box 886, Selma 36702
District No. 25—Montgomery	
Larry Dixon	P. O. Box 946, Montgomery 36102
District No. 26—Montgomery, Elmore	
Charles D. Langford	352 Dexter Ave., Montgomery 36104
District No. 27—Tallapoosa, Lee	
John Rice	P. O. Box 4008, Opelika 36803
District No. 28—Macon, Bullock, Barbour, Russell	
J. Danny Corbett	Route 7, Box 821, Phenix City 36867
District No. 29—Henry, Houston, Geneva	
Chip Bailey	P. O. Box 6791, Dothan 36301
District No. 30—Butler, Crenshaw, Pike, Dale	
J. Foy Covington, Jr.	Rt. 2, Newville 36353
District No. 31—Coffee, Covington, Escambia	
E. (Crum) Foshee	Alabama State House Montgomery 36130

**ROSTER OF THE SENATE
OF ALABAMA—Continued**

District No. 32—Baldwin, Mobile

Perry A. Hand P. O. Box 478, Gulf Shores 36542

District No. 33—Mobile

Michael Figures 2317 St. Stephens Rd.,
Mobile 36617

District No. 34—Mobile

Ann Bedsole P. O. Box 16642, Mobile 36616

District No. 35—Mobile

William J. (Bill) Menton Rt. 2, Box 171
Irvington 36544

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